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H.59

2

Introduced by Representative Townsend of South Burlington

3

Referred to Committee on

4

Date:

5

Subject: Legislature; Vermont Statutes Annotated; technical corrections

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Statement of purpose of bill as introduced: This bill proposes to make

7

nonsubstantive technical changes to the Vermont Statutes Annotated.

8

An act relating to technical corrections

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It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 1 V.S.A. § 431 is amended to read:

§ 431. STANDARD TIME; DAYLIGHT SAVING TIME

(a) The standard time within the State of Vermont shall be based on the mean astronomical time of the 75 of longitude west from Greenwich, known and designated as "U.S. Standard Eastern time," except ~~on two o'clock ante meridian of the last Sunday in April in every year and until two o'clock ante meridian of the last Sunday in September in the same year, as provided in~~ 15 U.S.C. § 260a, when standard time ~~is~~ shall be advanced one hour. The period of time so advanced may be called "daylight saving time."

* * *

1 Sec. 1a. 2 V.S.A. § 20 is amended to read:

2 § 20. LIMITATION ON DISTRIBUTION AND DURATION OF AGENCY
3 REPORTS

4 (a) Unless otherwise provided by law, whenever it is required by statute,
5 ~~regulation~~ rule, or otherwise that an agency submit an annual, biennial, or
6 other periodic report to the General Assembly, that requirement shall be met
7 by submission by January 15 of copies of the report for activities in the
8 preceding fiscal year to the Clerk of the House, the Secretary of the Senate, the
9 Legislative Council, and such individual members of the General Assembly or
10 committees that specifically request a copy of the report. To the extent
11 practicable, reports shall also be placed on the agency's Internet website. No
12 general distribution or mailing of such reports shall be made to members of the
13 General Assembly.

14 * * *

15 Sec. 2. 3 V.S.A. § 473 is amended to read:

16 § 473. FUNDS

17 (a) Assets. All of the assets of the Retirement System shall be credited to
18 the Vermont State Retirement Fund.

19 * * *

20 Sec. 3. 3 V.S.A. § 928 is amended to read:

21 § 928. RULES

22 (a) The Board, as necessary to carry out the provisions of this chapter, shall
23 ~~make~~ adopt and may amend and rescind ~~and adopt such rules and regulations~~

1 consistent with this chapter, ~~as may be necessary to carry out the provisions of~~
2 ~~this chapter.~~

3 (b) Notwithstanding the provisions of subsection (a) of this section, rules
4 adopted by the Board as they relate to grievance appeals shall provide:

5 (1) If a collective bargaining agreement provides that an appeal to the
6 Board will constitute the final step in the grievance procedure, all employees
7 and other persons authorized by this chapter shall have the right to appeal to
8 the Board in accordance with the rules ~~and regulations~~ of the Board.

9 * * *

10 Sec. 4. 3 V.S.A. § 962 is amended to read:

11 § 962. EMPLOYEES

12 It shall be an unfair labor practice for an employee organization or its
13 agents:

14 * * *

15 (10) To charge a collective bargaining service fee unless such employee
16 organization has established and maintained a procedure to provide
17 nonmembers with:

18 (A) an audited financial statement that identifies the major categories
19 of expenses, and divides them into chargeable and nonchargeable expenses;

20 (B) an opportunity to object to the amount of the agency collective
21 bargaining service fee sought, any amount reasonably in dispute to be placed

1 in escrow;

2 (C) prompt arbitration by the Board to resolve any objection over the
3 amount of the collective bargaining service fee.

4 Sec. 5. 3 V.S.A. § 1027 is amended to read:

5 § 1027. EMPLOYEES

6 It shall be an unfair labor practice for an employee organization or its
7 agents:

8 * * *

9 (10) To charge a collective bargaining service fee unless the employee
10 organization has established and maintained a procedure to provide
11 nonmembers with all the following:

12 (A) an audited financial statement that identifies the major categories
13 of expenses and divides them into chargeable and nonchargeable expenses;

14 (B) an opportunity to object to the amount of the fee requested and to
15 place in escrow any amount reasonably in dispute;

16 (C) prompt arbitration by the Board to resolve any objection over the
17 amount of the collective bargaining service fee.

18 Sec. 6. 4 V.S.A. § 1105 is amended to read:

19 § 1105. ANSWER TO COMPLAINT; DEFAULT

20 * * *

21 (f) If a person fails to appear or answer a complaint, the Bureau shall enter

1 a default judgment against the person. However, no default judgment shall be
2 entered until the filing of a declaration by the issuing officer or State's
3 Attorney, under penalty of perjury, setting forth facts showing that the
4 defendant is not a person in military service as defined at ~~50 App. U.S.C. §~~
5 ~~511~~ in 50 U.S.C. § 3911 (Servicemembers Civil Relief Act definitions),
6 except upon order of the hearing officer in accordance with ~~the~~
7 ~~Servicemembers Civil Relief Act, 50 App. U.S.C. Titles I-II~~ the Act. The
8 Bureau shall mail a notice to the person that a default judgment has been
9 entered. A default judgment may be set aside by the hearing officer for good
10 cause shown.

11 * * *

12 Sec. 7. 6 V.S.A. § 648 is amended to read:

13 § 648. INSPECTIONS

14 * * *

15 (c) For those seeds sold in containers of more than ten pounds, a report
16 shall be filed annually on January 15 on forms supplied by the Secretary
17 regarding sales during the previous calendar year, and fees based on the
18 ~~35-cent per hundredweight~~ \$10.00 per ton rate shall accompany the report.
19 Reporting periods are January 1-June 30 and July 1-December 31.

20 (d) For those seeds sold in containers of ten pounds or less, the fee of
21 ~~\$75.00~~ \$85.00 per company shall be paid annually prior to distribution in the

1 State. Fees shall be paid annually on January 1.

2 * * *

3 Sec. 8. 6 V.S.A. § 1104 is amended to read:

4 § 1104. POWERS OF SECRETARY

5 The Secretary in furtherance of the purposes of this chapter may:

6 * * *

7 (3) Adopt standards, procedures, and requirements relating to the
8 display, sale, use, application, treatment, storage, or disposal of economic
9 poisons or their waste products and limit the conditions under which the same
10 may be sold, used, treated, stored, or disposed of. The use of pesticides which
11 the Secretary finds to have a hazardous or long-term deleterious effect on the
12 environment shall be restricted, and permits shall be required for their use in
13 accordance with ~~regulations~~ rules adopted by the Secretary. Specific uses of
14 certain pesticides deemed to present a likely risk to human health or be
15 dangerous shall be restricted by ~~regulation~~ rule or by ordering the deletion of
16 certain uses for registered pesticides from the label on pesticide products to be
17 marketed in the State. Approved methods for the safe display, storage, and
18 shipping of poisonous pesticides shall be prescribed and enforced. Procedures
19 for the disposal of pesticides which are illegal, obsolete, surplus, or in
20 damaged containers shall be adopted and enforced with the cooperation of the
21 Agency of Natural Resources.

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(8) Revoke or suspend any license or certificate for failure to comply with this chapter or any rule ~~or regulation~~ adopted under its authority, or for being subject to a final order imposing a civil penalty under 7 U.S.C. ~~section~~ § 136 l or for being convicted under 7 U.S.C. ~~section~~ § 136 l on due notice to the licensee or holder of the certificate with an opportunity for hearing if a written request for hearing is filed with the Secretary within five days of receipt of notice of a violation.

(9) Make, adopt, revise, and amend reasonable rules ~~and regulations~~ as he or she deems necessary with the advice of the Pesticide Advisory Council in order to carry out the provisions of this chapter.

(10) Appoint assistants, subject to applicable laws and ~~regulations~~ rules, to perform or assist in the performance of any duties or functions of the Secretary under this chapter.

(11) Enter into reciprocal agreements with appropriate pesticide control agencies of other states or the federal government for the acceptance of licensing and certification of pesticide applicators and operators, provided their standards and administration are substantially equal to the standards established by the Secretary under the provisions of this chapter and the ~~regulations~~ rules thereto.

(12) Cooperate fully with the federal government or other agency in the

1 operation of any joint federal-state programs concerning the ~~regulation~~ rule of
2 the application or use of pesticides, such programs, including ~~but not limited to~~
3 the program promulgated by Public Law 92-516 of the 92nd Congress.

4 (13) Institute appropriate proceedings on behalf of the Agency to
5 enforce this chapter and any ~~regulations duly promulgated thereunder~~ rules
6 adopted pursuant to this chapter. Whenever the Secretary believes that any
7 person is in violation of the provisions of this chapter or ~~regulations~~ rules
8 ~~adopted thereunder~~ pursuant to this chapter, an action may be brought in the
9 name of the Agency in a court of competent jurisdiction against the person to
10 restrain by temporary or permanent injunction the continuation or repetition of
11 the violation. The court may issue temporary or permanent injunctions
12 without bond, and other relief as may be necessary and appropriate for
13 abatement of any violation.

14 (14) In any case in which the Secretary has authority to institute an
15 action or proceeding under this chapter, in lieu thereof he or she may accept an
16 assurance of discontinuance of any violation of any of the statutes and
17 ~~regulations~~ rules specified in this chapter including schedules of abatement for
18 a violation. Any assurance of discontinuance shall be prepared in writing with
19 the assistance of the Attorney General. The assurance shall be signed by all
20 parties, and at the discretion of the Secretary, the Attorney General shall
21 submit the assurance of discontinuance to the Superior ~~court~~ Court having

1 jurisdiction over the subject matter, and shall request that the presiding judge
2 sign the document and issue it as an order of the court. Evidence of a violation
3 of such assurance shall be prima facie proof of violation of a statute or
4 ~~regulation~~ rule specified ~~above~~ in this chapter as cited in the assurance. Prior
5 to institution of any action or proceeding under this subdivision, the Secretary
6 whenever he or she believes any person to be or to have been in violation of
7 any statute or ~~regulation~~ rule specified in this subdivision may issue a notice of
8 violation setting forth the nature of the violation, the corrective action
9 necessary to abate the violation, and the notice of intention to institute an
10 action or proceeding against the person responsible for the violation. In that
11 event, the Secretary shall provide the person within 30 days of the notice an
12 opportunity to be heard and an opportunity to settle the matter by an assurance
13 to discontinue prior to instituting an action or proceeding as provided for in
14 this subdivision.

15 * * *

16 Sec. 9. 6 V.S.A. § 1105a is amended to read:

17 § 1105a. TREATED ARTICLES; POWERS OF SECRETARY; BEST
18 MANAGEMENT PRACTICES

19 (a) The Secretary of Agriculture, Food and Markets, upon the
20 recommendation of the Pesticide Advisory Council, may adopt by rule:

21 (1) best management practices, standards, procedures, and requirements

1 relating to the sale, use, storage, or disposal of treated articles the use of which
2 the Pesticide Advisory Council has determined will have a hazardous or long-
3 term deleterious effect on the environment, presents a likely risk to human
4 health, or is dangerous;

5 * * *

6 (3) requirements by ~~the Secretary~~ for the examination or inspection of
7 treated articles the use of which the Pesticide Advisory Council has determined
8 will have a hazardous or long-term deleterious effect on the environment,
9 presents a likely risk to human health, or is dangerous;

10 * * *

11 Sec. 10. 6 V.S.A. § 1109 is amended to read:

12 § 1109. LICENSING RETAIL DEALERS

13 The Secretary may adopt ~~regulations~~ rules requiring persons selling Class C
14 pesticides at retail to be licensed under this chapter, and may establish
15 reasonable requirements for obtaining licenses. The license fee for a retail
16 dealer shall be \$25.00 for one year or any part thereof for each store or place
17 of business operated by the retail dealer. The license period shall be January 1
18 to December 31.

19 Sec. 11. 6 V.S.A. § 1111 is amended to read:

20 § 1111. ADMINISTRATIVE PENALTIES

21 (a) The ~~secretary~~ Secretary may assess an administrative penalty, not to

1 exceed \$1,000.00 per violation for private applicators or certified private
2 applicators or \$5,000.00 per violation for certified noncommercial applicators,
3 certified commercial applicators, licensed dealers, licensed companies or
4 permit holders, in any case in which he or she determines that an applicator,
5 dealer, licensed company or permit holder has done any of the following acts
6 in violation of this chapter, or of the rules ~~or regulations promulgated~~ adopted
7 under this chapter:

8 * * *

9 (7) violated the terms or conditions of a permit issued pursuant to this
10 chapter, or pursuant to the rules ~~or regulations promulgated~~ adopted pursuant
11 to this chapter.

12 * * *

13 Sec. 12. 6 V.S.A. § 3302 is amended to read:

14 § 3302. DEFINITIONS

15 As used in this chapter, except as otherwise specified, the following terms
16 shall have the meanings stated below:

17 (1) “Adulterated” shall apply to any livestock product or poultry
18 product under one or more of the following circumstances:

19 (A) If it contains any poisonous or harmful substance which may
20 render it injurious to health. The product shall not be considered adulterated
21 under this definition if the quantity of the substance in or on the product does

1 not ordinarily render it injurious to health.

2 * * *

3 (C) If it is a raw agricultural commodity and the commodity contains
4 a pesticide chemical which is unsafe within the meaning of ~~section 408 of the~~
5 ~~Federal Food, Drug, and Cosmetic Act~~ 21 U.S.C. § 346a (tolerances for
6 pesticide residues).

7 (D) If it contains any food additive which is unsafe within the
8 meaning of ~~section 409 of the Federal Food, Drug, and Cosmetic Act~~
9 21 U.S.C. § 348 (unsafe food additives).

10 (E) If it contains any color additive which is unsafe within the
11 meaning of ~~section 706 of the Federal Food, Drug, and Cosmetic Act~~
12 21 U.S.C. § 379e (listing of color additives). A product which is not
13 otherwise deemed adulterated under subdivisions (1)(C) and (D) of this section
14 and this subdivision shall be deemed adulterated if use of the pesticide
15 chemical, food additive, or color additive in or on the product is prohibited by
16 rules of the Secretary in official or licensed establishments.

17 * * *

18 (J) If it has been subjected to radiation, unless the use of the radiation
19 was in conformity with a regulation or exemption in effect pursuant to ~~section~~
20 ~~409 of the Federal Food, Drug, and Cosmetic Act~~ 21 U.S.C. § 348.

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(I) if it is not subject to the provisions of subdivision (25)(G) of this section, unless its label bears:

(i) the common or usual name of the food, if any; and

(ii) in case it is fabricated from two or more ingredients, the common name of each ingredient, except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each; provided, that, to the extent that compliance with the requirements of subdivision (ii) of this subdivision (I) is impracticable, or results in deception or unfair competition, exemptions shall be established by rules ~~promulgated~~ adopted by the Secretary;

* * *

(K) if it contains any artificial flavoring, artificial coloring, or chemical preservative, unless it has a label stating that fact; provided, that to the extent that compliance with the requirements of this subdivision (K) is impracticable, exemptions shall be established by rules ~~promulgated~~ adopted by the Secretary;

* * *

Sec. 13. 9 V.S.A. § 2453 is amended to read:

§ 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER
PROTECTION

1

* * *

2

(c) The Attorney General shall ~~make~~ adopt rules ~~and regulations~~, when necessary and proper to carry out the purposes of this chapter, relating to unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce. The rules ~~and regulations~~ shall not be inconsistent with the rules, regulations, and decisions of the Federal Trade Commission and the federal courts interpreting the Federal Trade Commission Act.

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(d) Violation of a rule ~~or regulation as made~~ adopted by the Attorney General is prima facie proof of the commission of an unfair or deceptive act in commerce.

9

10

11

* * *

Sec. 14. 9 V.S.A. § 2461c is amended to read:

12

§ 2461c. PREDATORY PRICING

13

14

* * *

(c) The Attorney General shall ~~make~~ adopt rules ~~and regulations~~ when necessary and proper to carry out the purposes of this section. The rules ~~and regulations~~ shall not be inconsistent with the rules, regulations, and decisions of the Federal Trade Commission or with the decisions of the courts of the United States construing federal anti-trust law.

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* * *

Sec. 15. 9 V.S.A. § 2730 is amended to read:

21

1 § 2730. LICENSING FOR OPERATION OF WEIGHING AND
2 MEASURING DEVICES

3 * * *

4 (c) Any person wishing to obtain a license to operate a weighing or
5 measuring device shall annually apply to the Secretary, on forms provided by
6 the Secretary, on or before January 1. Each application shall be accompanied
7 by a fee as specified in this section. Except for new applicants, any applicant
8 who applies for a license after January 1 shall pay ~~an additional late fee equal~~
9 ~~to 10 percent of the specified fee~~ the late fee assessed by the Secretary
10 pursuant to 6 V.S.A. § 1(13).

11 * * *

12 Sec. 16. 10 V.S.A. § 152 is redesignated to read:

13 § 152. AUTHORITY TO NAME ~~ROADS AND~~ GEOGRAPHIC
14 LOCATIONS

Sec. 16a. 10 V.S.A. § 1389(e) is amended to read:

(e) Priorities.

(1) In making recommendations under subsection (d) of this section regarding the appropriate allocation of funds from the Clean Water Fund, the Board shall prioritize:

* * *

(F) funding for innovative or alternative technologies or practices

designed to improve water quality or reduce sources of pollution to surface waters, including funding for innovative nutrient removal technologies and community-based methane digesters that utilize manure, wastewater, and food residuals to produce energy; ~~and~~

(G) funding to purchase agricultural land in order to take that land out of practice when the State water quality requirements cannot be remediated through agricultural Best Management Practices; and

(H) ~~Funding~~ funding to municipalities for the establishment and operation of stormwater utilities.

1 Sec. 17. 10 V.S.A. § 6081 is amended to read:

2 § 6081. PERMITS REQUIRED; EXEMPTIONS

3 * * *

4 (k)(1) With respect to the commercial extraction of slate from a slate
5 quarry, activities that are not ancillary to slate mining operations may
6 constitute substantial changes, and be subject to permitting requirements under
7 this chapter. “Ancillary activities” include the following activities that pertain
8 to slate and that take place within a registered parcel that contains a slate
9 quarry: drilling, crushing, grinding, sizing, washing, drying, sawing and
10 cutting stone, blasting, trimming, punching, splitting, and gauging, and use of
11 buildings and use and construction of equipment exclusively to carry out ~~the~~
12 ~~above~~ such activities. Buildings that existed on April 1, 1995, or any

1 replacements to those buildings, shall be considered ancillary.

2 * * *

3 Sec. 18. 10 V.S.A. § 6608 is amended to read:

4 § 6608. RECORDS; REPORTS; MONITORING

5 * * *

6 (d) Where the Secretary has determined that the disposal of a hazardous
7 waste at an uncontrolled hazardous waste site presents a hazard to health or the
8 environment, the Secretary shall provide notice to a town of the location of
9 that uncontrolled site which has been found to exist in the town and to be
10 regulated under this chapter. The notice shall identify the location of the site,
11 the wastes involved, the actions proposed to be taken by the Secretary under
12 this chapter and the location where the records on the site are being maintained
13 by State government. The Secretary shall also notify the town when
14 conditions noticed above under this subsection are no longer a hazard. These
15 notices shall be recorded in accord with 24 V.S.A. § 1154.

16 * * *

17 Sec. 19. 10 V.S.A. § 6615 is amended to read:

18 § 6615. LIABILITY

19 * * *

20 (d)(1) There shall be no liability under this section for a person otherwise
21 liable who can establish by a preponderance of the evidence that the release or

1 threat of release of hazardous material and the resulting damages resulting
2 ~~therefrom~~ were caused solely by any of the following:

3 * * *

4 (D) Any combination of ~~the above~~ subdivisions (A)–(C) of this
5 subdivision (1).

6 * * *

7 Sec. 20. 10 V.S.A. § 7714 is amended to read:

8 § 7714. TYPE 3 PROCEDURES

9 (a) Purpose; scope.

10 * * *

11 (2) The procedures under this section shall be known as Type 3
12 Procedures. This section governs each of the following:

13 * * *

14 (C) An application or request for approval of:

15 ~~(i) an individual shoreland permit under chapter 49A of this title;~~

16 ~~(ii)~~(i) an aquatic nuisance control permit under chapter 50 of this
17 title;

18 ~~(iii)~~(ii) a change in treatment for a public water supply under
19 chapter 56 of this title;

20 ~~(iv)~~(iii) a collection plan for mercury-containing lamps under
21 section 7156 of this title;

1 manner as dues are deducted from the salary or wages of members of the
2 employee organization and shall be used to defray the costs of chargeable
3 activities.

4 * * *

5 Sec. 23. 16 V.S.A. § 2004 is amended to read:

6 § 2004. AGENDA

7 The school board, through its negotiations council, shall, upon request,
8 negotiate with representatives of the teachers' or administrators' organization
9 negotiations council on matters of salary, related economic conditions of
10 employment, the manner in which it will enforce an employee's obligation to
11 pay the agency ~~service~~ fee, procedures for processing complaints and
12 grievances relating to employment, and any mutually agreed upon matters not
13 in conflict with the statutes and laws of the State of Vermont.

14 Sec. 24. 16 V.S.A. § 2974 is amended to read:

15 § 2974. SPECIAL EDUCATION PROGRAM; FISCAL REVIEW

16 * * *

17 (f) Within 30 days of receipt of the supervisory union's report of progress,
18 the Secretary shall notify the supervisory union that its progress is either
19 satisfactory or not satisfactory.

20 * * *

21 (2) If the ~~district~~ supervisory union fails to make satisfactory progress

1 after the first year of withholding, 10 percent shall be withheld in each
2 subsequent year pending satisfactory compliance with the plan; provided,
3 however, before funds are withheld in any year under this subdivision (f)(2),
4 the supervisory union shall explain to the State Board either the reasons the
5 supervisory union believes it made satisfactory progress on the remediation
6 plan or the reasons it failed to do so. The State Board's decision whether to
7 withhold funds under this subdivision shall be final.

8 * * *

9 Sec. 25. 18 V.S.A. § 130 is amended to read:

10 § 130. CIVIL ENFORCEMENT

11 (a) The ~~commissioner~~ Commissioner, or a local board of health, may bring
12 an action in the ~~superior court~~ Superior Court of the county in which a
13 violation or a public health hazard or public health risk has occurred or is
14 occurring, to enforce the provisions of this title, or the rules, permits or orders
15 issued pursuant thereto, including ~~but not limited to~~ the terms of an assurance
16 of discontinuance entered into under section 125 of this title.

17 (b) The court may grant temporary and permanent injunctive relief and
18 may exercise all the powers available to it, including ~~but not limited to~~:

19 * * *

20 Sec. 26. 18 V.S.A. § 1123 is redesignated to read:

21 § 1123. IMMUNIZATION RULES ~~AND REGULATIONS~~

1

2 Sec. 27. 18 V.S.A. § 4230 is amended to read:

3 § 4230. MARIJUANA

4 * * *

5 (b) Selling or dispensing.

6 * * *

7 (3) A person knowingly and unlawfully selling or dispensing one pound
8 or more of marijuana or 2.8 ounces or more of hashish shall be imprisoned not
9 more than 15 years or fined not more than \$500,000.00, or both.

10 * * *

11 Sec. 28. 18 V.S.A. § 5212b is amended to read:

12 § 5212b. UNMARKED BURIAL SITES SPECIAL FUND; REPORTING OF
13 UNMARKED BURIAL SITES

14 * * *

15 (c) The ~~commissioner of economic, housing and community development~~
16 Commissioner of Housing and Community Development may authorize
17 disbursements from the ~~fund~~ Fund for use in any municipality in which human
18 remains are discovered in unmarked burial sites in accordance with a process
19 approved by the ~~commissioner~~ Commissioner. The ~~commissioner~~
20 Commissioner may approve any process developed through consensus or
21 agreement of the interested parties, including the municipality, a Native

1 American group historically based in Vermont with a connection to the
2 remains, owners of private property on which there are known or likely to be
3 unmarked burial sites, and any other appropriate interested parties, provided
4 the ~~commissioner~~ Commissioner determines that the process is likely to be
5 effective, and includes all the following:

6 * * *

7 Sec. 29. 20 V.S.A. § 3908 is redesignated to read:

8 § 3908. ADOPTION OF ~~REGULATIONS~~ RULES

9 Sec. 30. 21 V.S.A. § 4 is amended to read:

10 § 4. DUTIES AS TO EMPLOYMENT AND PAYMENT OF WAGES

11 The Commissioner or the Commissioner's agent shall make examinations
12 and investigations to see that the laws pertaining to the employment of minors
13 ~~and women~~ and the weekly payment of wages are being complied with and for
14 such purposes may enter any place where persons are employed.

15 ~~Sec. 31. 21 V.S.A. § 6 is amended to read:~~

16 § 6. DUTY WHEN UNITED STATES AT WAR

17 With the approval of the Governor, the Commissioner of Labor may
18 suspend the operation of the laws relating to the hours of employment of
19 ~~women and children while the United States is at war.~~

Sec. 31. [Deleted.]

20 Sec. 32. 21 V.S.A. § 305 is amended to read:

1 § 305. NURSING MOTHERS IN THE WORKPLACE

2 * * *

3 (d) In lieu of an enforcement action through the Vermont Judicial Bureau,
4 the Attorney General or a State's Attorney may enforce the provisions of this
5 section by bringing a civil action for temporary or permanent injunctive relief,
6 economic damages, including prospective lost wages for a period not to exceed
7 one year, and investigative and court costs. The Attorney General or a State's
8 Attorney may conduct an investigation of an alleged violation and enter into a
9 settlement agreement with the employer. Such investigation shall not be a
10 prerequisite to bringing a court action.

11 Sec. 33. 21 V.S.A. § 345 is amended to read:

12 § 345. NONPAYMENT OF WAGES AND BENEFITS

13 (a) Each employer who violates ~~sections~~ section 342, 343, 482, ~~and or~~ or 483
14 of this title shall be fined not more than \$5,000.00. Where the employer is a
15 corporation, the president or other officers who have control of the payment
16 operations of the corporation shall be considered employers and liable to the
17 employee for actual wages due when the officer has willfully and without good
18 cause participated in knowing violations of this chapter.

19 * * *

20 Sec. 34. 21 V.S.A. § 418 is amended to read:

21 § 418. OTHER RIGHTS

1 The rights and remedies provided to employees by this subchapter do not
2 infringe upon or alter any other contractual or statutory rights and remedies of
3 the employees. Nothing in this ~~section~~ subchapter is intended to alter or
4 diminish or replace any federal or State regulatory mandates for a shutdown or
5 closure of a regulated business or entity.

6 Sec. 35. 21 V.S.A. § 435 is amended to read:

7 § 435. EXAMINATION AND REPORT

8 When so ordered by the Secretary of Education, the superintendent of
9 schools for the school district where the child under 16 years of age resides
10 shall examine the child for the purpose of determining the child's eligibility for
11 employment in accordance with the provisions of ~~sections~~ section 432 ~~and 433~~
12 of this title and shall, upon the completion of the examination, make a written
13 report to the Secretary of Education who shall transmit a copy of the report to
14 the Commissioner.

15 Sec. 36. 21 V.S.A. § 473 is amended to read:

16 § 473. RETALIATION PROHIBITED

17 An employer shall not discharge or in any other manner retaliate against an
18 employee who exercises or attempts to exercise his or her rights under this
19 subchapter. The provisions against retaliation in subdivision 495(a)(8) of this
20 title ~~and the penalty and enforcement provisions of section 495b of this title~~
21 shall apply to this subchapter.

1 Sec. 37. 21 V.S.A. § 474 is amended to read:

2 § 474. PENALTIES AND ENFORCEMENT

3 (a) ~~The provisions against retaliation in subdivision 495(a)(8) of this title~~
4 ~~and the penalty and enforcement provisions of section 495b of this title shall~~
5 apply to this subchapter.

6 (b) An employer may bring a civil action to recover compensation paid to
7 the employee during leave, except payments made for accrued sick leave or
8 vacation leave, and court costs to enforce the provisions of subsection 472(h)
9 of this title.

10 Sec. 38. 21 V.S.A. § 495g is amended to read:

11 § 495g. PROVISION APPLICABLE TO COLLEGE PROFESSORS

12 Nothing in this act ~~subchapter~~ shall be construed to prohibit any institution
13 of higher education as defined by section 1201(a) of the federal Higher
14 Education Act of 1965 from retiring any employee who is serving under a
15 contract of unlimited tenure, who attains 65 years of age prior to July 1, 1982,
16 or 70 years of age thereafter. Any employee whose tenure contract is
17 terminated may, in the discretion of the institution, be allowed to continue in
18 the employ of the institution on a nontenured basis.

19 Sec. 39. 21 V.S.A. § 624 is amended to read:

20 § 624. DUAL LIABILITY; CLAIMS, SETTLEMENT PROCEDURE

21 * * *

1 (f) Expenses of recovery shall be the reasonable expenditures, including
2 attorney's fees, incurred in effecting the recovery. Attorney's fees, unless
3 otherwise agreed upon, shall be divided among the attorneys for the plaintiff as
4 directed by the court. The expenses of recovery ~~above mentioned~~ shall be
5 apportioned by the court between the parties as their interests appear at the
6 time of the recovery.

7 * * *

8 Sec. 40. 21 V.S.A. § 635 is amended to read:

9 § 635. PERIODS OF COMPENSATION

10 The compensation provided for by the provisions of this chapter shall be
11 payable during the following periods:

12 (1)~~(A)~~ Spouse. To a spouse until:

13 ~~(A)(i)~~ The age of 62 sixty-two years of age if at that time the spouse
14 is entitled to benefits under the Social Security Act as amended or thereafter at
15 such time as the spouse is entitled to benefits under the Social Security Act as
16 amended; or

17 ~~(B)(ii)~~ Remarriage remarriage; or

18 ~~(C)(iii)~~ Death death, whichever occurs first.

19 (B) However, in no event shall the spouse receive less than a sum
20 equal to 330 times the maximum weekly compensation except when the
21 compensation terminates by reason of death;.

1 (2) Child. To or for a child, during dependency as ~~hereinbefore~~ defined
2 in section 634 of this title;

3 (3) Parent or Grandparent. To a parent or grandparent, during the
4 continuation of a condition of actual dependency, but in no case to exceed 264
5 weeks; ~~and~~.

6 (4) Grandchild or sibling. To or for a grandchild, brother, or sister,
7 during dependency as ~~hereinbefore~~ defined in section 634 of this title, but in
8 no case to exceed 264 weeks.

9 Sec. 41. 21 V.S.A. § 640 is amended to read:

10 § 640. MEDICAL BENEFITS; ASSISTIVE DEVICES; HOME AND
11 AUTOMOBILE MODIFICATIONS

12 (a) An employer subject to the provisions of this chapter shall furnish to an
13 injured employee reasonable surgical, medical and nursing services and
14 supplies, including prescription drugs and durable medical equipment. The
15 employer shall provide assistive devices and modification to vehicles and
16 residences reasonably necessary to permit an injured worker who is
17 determined to have or expected to suffer a permanent disability, such as an
18 ambulatory disability as defined in ~~section 271 of this title~~ 20 V.S.A. § 2900 or
19 blindness as defined in ~~section 271~~ 20 V.S.A. § 2900, that substantially and
20 permanently prevents or limits the worker's ability to continue to live at home
21 or perform basic life functions. In determining what devices and

1 modifications are reasonably necessary, consideration shall be given to factors
2 that include ownership of the residence to be modified, the length of time the
3 worker is expected to utilize and benefit from the devices or modifications,
4 and the extent to which the devices or modifications enhance or improve the
5 worker's independent functioning. The employer shall also furnish reasonable
6 hospital services and supplies, including surgical, medical, and nursing
7 services while the injured employee is confined in a hospital for treatment and
8 care.

9 * * *

10 Sec. 42. 21 V.S.A. § 671 is amended to read:

11 § 671. JURISDICTION; FINDINGS FOR NEW AWARD

12 The jurisdiction of such court shall be limited to a review of questions of
13 fact or questions of fact and law certified to it by the Commissioner and upon
14 completion of the case in Superior Court, either after trial or upon remand
15 from the Supreme Court, the clerk shall certify the findings of the court to the
16 Commissioner who shall thereupon make a new order in accordance therewith
17 and shall forthwith send to each of the parties a copy of such order. Such new
18 order shall have all the force and effect of an award made pursuant to the
19 provisions of sections 663, and 664 ~~and 665~~ of this title and shall supersede the
20 award previously made by ~~such~~ the Commissioner.

21 Sec. 43. 21 V.S.A. § 710 is amended to read:

1 § 710. UNLAWFUL DISCRIMINATION

2 * * *

3 (b) No person shall discharge or discriminate against an employee from
4 employment because such employee asserted or attempted to assert a claim for
5 benefits under this chapter or under the law of any state or ~~under~~ of the United
6 States.

7 * * *

8 (e) The Attorney General or a State's Attorney may enforce the provisions
9 of this section by restraining prohibited acts, seeking civil penalties, obtaining
10 ~~assurance~~ assurances of discontinuance, and conducting civil investigations in
11 accordance with the procedures established in 9 V.S.A. §§ 2458-2461 as
12 though discrimination under this section were an unfair act in commerce.

13 * * *

14 Sec. 44. 21 V.S.A. § 1031 is amended to read:

15 § 1031. DEFINITIONS

16 ~~For the purposes of~~ As used in this chapter:

17 * * *

18 (6) "Financial responsibility" means the current and expected future
19 condition of financial solvency sufficient to support a reasonable expectation
20 that an employee leasing company can successfully conduct its business
21 without jeopardizing the interests of the employees leased to the ~~client~~

1 ~~company~~, client company or the public.

2 * * *

3 Sec. 45. 21 V.S.A. § 1103 is amended to read:

4 § 1103. SUPPLEMENTARY INSTRUCTION

5 (a) The Department of Labor shall provide for related and supplementary
6 instruction for apprentices employed under apprenticeship programs registered
7 and approved by the Council, and for all on-the-job trainees. To make certain
8 there is statewide access to training opportunities, the Department shall ensure
9 that instruction in the electrical and plumbing trades is offered at each regional
10 ~~career technical center~~ CTE center, as defined by 16 V.S.A. § 1522(4). If the
11 Department enters into a single-source contract with an entity to provide
12 apprenticeship training, the contract shall specify that access to programs must
13 be available to all Vermont residents, at least through online courses.

14 * * *

15 Sec. 46. 21 V.S.A. § 1153 is amended to read:

16 § 1153. YOUTH IN AGRICULTURE, NATURAL RESOURCES, AND

17 FOOD PRODUCTION CONSORTIUM; POWERS AND DUTIES

18 * * *

19 (b) Among the programs to be reviewed and coordinated by the
20 Consortium are projects that involve agriculture and the environment;
21 programs within the elementary and middle school system which provide

1 hands-on learning, such as “Ag in the Classroom” sponsored by the Agency of
2 Agriculture, Food and Markets, and “Forest, Fields, and Futures” sponsored by
3 UVM Extension Service; and secondary school programs in agriculture and
4 natural resources-related areas in education; “Smokeyhouse” and other career
5 technical education, agriculture, and natural resources programs offered by
6 high schools and ~~career technical centers~~ regional CTE centers. In addition, it
7 shall review and coordinate programs such as the Youth Conservation Corps
8 and the Farm Youth Corps of the Department of Labor which has offered
9 summer employment for students on farms, and other summer employment
10 programs and alternative programs for in-school youth operated outside the
11 public school funding system.

12 * * *

13 Sec. 47. 21 V.S.A. § 1253 is amended to read:

14 § 1253. ELIGIBILITY

15 The Commissioner shall make all determinations for eligibility under this
16 chapter. An individual shall be eligible for up to 26 weekly payments when
17 the Commissioner determines that the individual voluntarily left work due to
18 circumstances directly resulting from domestic and sexual violence, provided
19 the individual:

20 (1) Leaves employment for one of the following reasons:

21 * * *

1 connection with research projects of a public service nature, and to the
2 Vermont Economic Progress Council with regard to the administration of
3 32 V.S.A. chapter 105, subchapter 2; but no person associated with those
4 institutions or agencies may disclose that information in any manner that
5 would reveal the identity of any individual or employing unit from or
6 concerning whom the information was obtained by Commissioner.

7 * * *

8 (4)(A)(i) The Department of Labor shall disclose, upon request, to
9 officers or employees of any State or local agency charged with administering
10 ~~AFDC TANF~~, any wage information with respect to an identified individual
11 which is contained in its records, which is necessary for the purpose of
12 determining an individual's eligibility for aid or services or the amount of such
13 aid or services to needy families with children.

14 (ii) The term "State or local agency charged with administering
15 ~~AFDC TANF~~" means any such agency administering a plan approved under
16 part A of Title IV of the Social Security Act.

17 (B) The information requested shall not be released unless the
18 requesting ~~AFDC TANF~~ agency agrees to reimburse the Department of Labor
19 for the costs involved in furnishing such information.

20 * * *

21 Sec. 49. 21 V.S.A. § 1325 is amended to read:

1 § 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

2 DISCLOSURE TO SUCCESSOR ENTITY

3 (a)(1) The Commissioner shall maintain an experience-rating record for
4 each employer. Benefits paid shall be charged against the experience-rating
5 record of each subject employer who provided base-period wages to the
6 eligible individual. Each subject employer's experience-rating charge shall
7 bear the same ratio to total benefits paid as the total base-period wages paid by
8 that employer bear to the total base-period wages paid to the individual by all
9 base-period employers. The experience-rating record of an individual subject
10 base-period employer shall not be charged for benefits paid to an individual
11 under any of the following conditions:

12 * * *

13 (2) If an individual's unemployment is directly caused by a major
14 ~~natural~~ disaster declared by the President of the United States pursuant to
15 42 U.S.C. § 5122 and the individual would have been eligible for federal
16 disaster unemployment assistance benefits but for the receipt of regular
17 benefits, an employer shall be relieved of charges for benefits paid to the
18 individual with respect to any week of unemployment occurring due to the
19 natural disaster up to a maximum amount of four weeks.

20 * * *

21 Sec. 50. 21 V.S.A. § 1329 is amended to read:

1 § 1329. COLLECTION OF UNPAID CONTRIBUTIONS; SUIT

2 (a)(1) If any employer fails to make, when due, any contributions or
3 payments required of him or her under this chapter, the obligation shall carry
4 interest at the rate of:

5 ~~(1)~~(A) one percent per month from due date if the due date is prior to
6 July 31, 1983;

7 ~~(2)~~(B) two and one-half percent per month from due date if the due date
8 is subsequent to July 31, 1983 and on or prior to July 31, 1987;

9 ~~(3)~~(C) one and one-half percent per month from due date if the due date
10 is subsequent to July 31, 1987.

11 (2) It shall be the duty of the Commissioner to collect the overdue
12 obligations and interest. Interest so collected shall be paid into the Contingent
13 Fund provided in section 1365 of this title. Provided, that if an employer has
14 paid such contributions or payments timely to another state through error, the
15 Commissioner may waive such interest. Provided further, that the
16 commissioner may waive all or a portion of such interest in any case in which,
17 in the Commissioner's determination, the untimeliness of the payment was not
18 caused by fault, neglect, or bad faith on the part of the employer.

19 * * *

20 Sec. 51. 21 V.S.A. § 1343 is amended to read:

21 § 1343. CONDITIONS

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* * *

(b) Notwithstanding any other provisions of this chapter, any otherwise eligible claimant regularly attending a training course or program approved for him or her by the Commissioner shall be deemed to be available for work and while attending the course and making satisfactory progress in the training shall not be denied benefits solely because of his or her attendance at the course or because of his or her refusal of an offer of suitable work. Benefits paid to an eligible claimant regularly attending a training course or program, approved ~~as above provided,~~ pursuant to this subsection for any unemployment following his or her refusal of an offer of suitable work, shall not be charged against the experience rating record of any employer, but shall be charged to the Fund.

* * *

Sec. 52. 21 V.S.A. § 1344 is amended to read:

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

* * *

(2) For any week benefits are claimed, except as provided in subdivision (a)(3) of this section, until he or she has presented evidence to the satisfaction of the Commissioner that he or she has performed services in employment for a bona fide employer and has had earnings in excess of six times his or her

1 weekly benefit amount if the Commissioner finds that such individual is
2 unemployed because:

3 (A) He or she has left the employ of his or her last employing unit
4 voluntarily without good cause attributable to such employing unit. An
5 individual shall not suffer more than one disqualification by reason of such
6 separation. However, an individual shall not be disqualified for benefits if the
7 individual left such employment to accompany a spouse who:

8 (i) is on active duty with the U.S. Armed Forces and is required to
9 relocate due to permanent change of station orders, activation orders, or unit
10 deployment orders, and when such relocation would make it impractical or
11 impossible, as determined by the Commissioner, for the individual to continue
12 working for such ~~employment~~ employing unit; or

13 (ii) holds a commission in the U.S. Foreign Service and is
14 assigned overseas, and when such relocation would make it impractical or
15 impossible, as determined by the Commissioner, for the individual to continue
16 working for such ~~employment~~ employing unit.

17 * * *

18 (F)(i) Notwithstanding any other provisions of this chapter, no
19 otherwise eligible individual shall be denied benefits for any week because:

20 (i) he or she is in training approved under section 236(a)(1) of
21 the Trade Act of 1974, 19 U.S.C. § 2296(a);

1 allocated to the period immediately following separation, or if due subsequent
2 to separation, it shall be allocated to the week in which due or the next
3 following week, and that number of weeks immediately following as required
4 to equal the total of the weeks of pay due. Any mutual agreement between the
5 employer and employee(s) (whether or not payment is made), allocating such
6 remuneration to any period during which work is performed, within four
7 weeks prior to the date of separation, shall not be valid for the purpose of
8 determining unemployment compensation entitlement or waiting period credit
9 purposes and such payment shall be allocated to the period immediately
10 following separation.

11 (ii) There shall be no disqualification amount for any holiday.

12 * * *

13 (E)(i) A pension (which shall include a governmental or other
14 pension, retirement or retired pay, annuity, or any other similar periodic
15 payment) under a plan maintained or contributed to by a base period or
16 chargeable employer. The weekly benefit amount payable to such individual
17 for such week shall be reduced (but not below zero):

18 (i)(I) by the entire prorated weekly amount of the pension if no
19 contributions to the plan were made by the individual; or

20 (ii)(II) by no part of the pension if the entire contributions to the
21 plan were provided by such individual, or by the individual and an employer

1 (or any other person or organization); or

2 ~~(iii)~~(III) by no part of the pension if the services performed by the
3 individual during the base period (or remuneration received for such services)
4 for such employer did not affect the individual's eligibility for, or increase the
5 amount of, such pension, retirement or retired pay, annuity, or similar
6 payment.

7 (ii) Provided that if such remuneration specified in this
8 subdivision, (after applying the provisions of this subdivision) is less than the
9 benefits which would otherwise be due under this chapter, he or she shall be
10 entitled to receive for such week, if otherwise eligible, benefits reduced by the
11 amount of such remuneration (after applying the provisions of this
12 subdivision) after rounding such remuneration to the next higher dollar and the
13 provisions of subdivision 1301(9) and sections 1338a and 1339 of this title do
14 not apply.

15 * * *

16 Sec. 53. 21 V.S.A. § 1347 is amended to read:

17 § 1347. NONDISCLOSURE OR MISREPRESENTATION

18 * * *

19 (b) Any person who receives remuneration described in subdivision
20 1344(a)(5)(A), (B), (C), (D), (E), or (F) of this title which is allocable in
21 whole or in part to prior weeks during which he or she received any amounts

1 as benefits under this chapter shall be liable for all such amounts of benefits or
2 those portions of such amounts equal to the portions of such remuneration
3 properly allocable to the weeks in question. Notice of determination in such
4 cases shall specify that the person is liable to repay to the Fund the amount of
5 overpaid benefits, the basis of the overpayment, and the week or weeks for
6 which such benefits were paid. The determination shall be made within three
7 years from the date of such overpayment or within one year from the date of
8 receipt of the remuneration, whichever period is longer.

9 * * *

10 Sec. 54. 21 V.S.A. § 1378 is amended to read:

11 § 1378. REQUIREMENTS FOR OBTAINING LICENSE OR
12 GOVERNMENTAL CONTRACT

13 * * *

14 (g)(1) For the purposes of this section, a person is in good standing with
15 respect to any and all contributions or payments in lieu of contributions
16 payable if:

17 ~~(1)(A)~~ no contributions or payments in lieu of contributions are due
18 and payable;

19 ~~(2)(B)~~ the liability for any contributions or payments in lieu of
20 contributions due and payable is on appeal;

21 ~~(3)(C)~~ the employing unit is in compliance with a payment plan

1 approved by the Commissioner; or

2 (4)(D) in the case of a licensee, the agency finds that requiring
3 immediate payment of contributions or payments in lieu of contributions due
4 and payable would impose an unreasonable hardship.

5 (2) If the agency finds an unreasonable hardship, it may condition
6 renewal on terms which will place the person in good standing with respect to
7 any and all contributions or payments in lieu of contributions as soon as
8 reasonably possible.

9 Sec. 55. 21 V.S.A. § 1502 is amended to read:

10 § 1502. DEFINITIONS

11 As used in this chapter:

12 * * *

13 (14) “Agency fee” means a fee deducted by an employer from the salary
14 or wages of an employee who is not a member of an employee organization,
15 which is paid to the employee organization that is the exclusive bargaining
16 agent for the bargaining unit of the employee. ~~A collective bargaining service~~
17 An agency fee shall not exceed 85 percent of the amount payable as dues by
18 members of the employee organization and shall be deducted in the same
19 manner as dues are deducted from the salary or wages of members of the
20 employee organization and shall be used to defray the costs of chargeable
21 activities.

1 Sec. 56. 21 V.S.A. § 1503 is amended to read:

2 § 1503. RIGHTS OF EMPLOYEES; MUTUAL DUTY TO BARGAIN

3 * * *

4 (b) A labor organization shall not charge the agency fee unless it has
5 established and maintained a procedure to provide nonmembers with:

6 * * *

7 (3) Prompt arbitration by an arbitrator selected jointly by the objecting
8 fee payer and the ~~teachers' or administrators' organization~~ labor organization
9 or pursuant to the rules of the American Arbitration Association to resolve any
10 objection over the amount of the agency fee. The costs of arbitration shall be
11 paid by the labor organization.

12 Sec. 57. 21 V.S.A. § 1623 is amended to read:

13 § 1623. JUDICIAL REVIEW

14 * * *

15 (c) Any aggrieved party to a proceeding under section 1622 of this title
16 may appeal to the Supreme Court under 12 V.S.A. chapter 102 and the
17 Vermont Rules of Appellate Procedure.

18 * * *

19 Sec. 58. 21 V.S.A. § 1729 is amended to read:

20 § 1729. ENFORCEMENT AND REVIEW

21 * * *

1 (c) Any person aggrieved by an order or decision of the Labor Relations
2 Board issued under the authority of this chapter may appeal on questions of
3 law to the Supreme Court under 12 V.S.A. chapter 102 and the Vermont Rules
4 of Appellate Procedure.

5 * * *

6 Sec. 59. 21 V.S.A. § 1733 is amended to read:

7 § 1733. ARBITRATION

8 * * *

9 (b) Where an impasse continues for 20 days after a fact finder has made a
10 report public under subsection 1732(e) of this title, a three-member arbitration
11 panel shall be formed as follows:

12 (1) Each party to the impasse shall select one member of the panel and
13 state its final offer on all disputed issues on the 20th day following publication
14 of the fact finder's report.

15 (2) The two members so selected shall within five days, select the third
16 member of the panel to serve as Chair. If the two members fail to select a third
17 member of the panel within five days, the third member shall be appointed by
18 the Superior Court for the county in which the municipality is situated, upon
19 petition of either party, and notice to the other party.

20 (3) Within 30 days of the appointment of the Chair, the panel shall
21 decide by majority vote all disputed issues involving wages, hours, and

1 conditions of employment as defined by this chapter, and this award shall
2 become an agreement of the parties.

3 * * *

4 Sec. 60. 22 V.S.A. § 951 is amended to read:

5 § 951. DEFINITIONS

6 As used in this chapter:

7 (1) “Public information” means any state data that is included within the
8 information deemed to be public pursuant to the ~~Freedom of Information~~
9 Public Records Act and other provisions of law providing for release of
10 information to the public at large or to specified groups or recipients.

11 * * *

12 Sec. 61. 23 V.S.A. § 1008 is amended to read:

13 § 1008. REGULATIONS IN MUNICIPALITIES

14 (a) The legislative body of a municipality may make special regulations as
15 to the operation, use, and parking of motor vehicles, including angle parking,
16 as to the location, design, and structure of traffic lights, as to “stop” signs and
17 “yield right of way” signs at intersections, as to “no-passing” zones, and as to
18 streets designated for one way traffic in the thickly settled portions of the
19 municipality and may cause any street or highway of adequate width to be
20 divided by appropriate markings into three or more lanes, and may, by
21 ordinance or regulation, regulate the direction of travel and the turning of

1 vehicles proceeding in those lanes and the passing of vehicles in one lane by
2 overtaking vehicles in another lane, may cause markers, buttons, or signs to be
3 placed within or adjacent to intersections and thereby direct the course traveled
4 by vehicles turning at an intersection, and when markers, buttons, or signs are
5 so placed no driver may turn a vehicle at an intersection other than as directed
6 by the markers, buttons, or signs. However, signs indicating the special
7 regulations must be conspicuously posted in and near all areas affected.
8 Special regulations may not be established on any State highway as defined by
9 ~~19 V.S.A. § 19~~ 19 V.S.A. § 1(20). Regulations on all State highways may be
10 made only by the Traffic Committee under section 1003 of this title, except
11 that the Traffic Committee may authorize the legislative body of a
12 municipality to regulate parking within a thickly settled area of a municipality,
13 particularly described in the authorization, on State highways. The board of
14 school directors of a union high school district may make special regulations
15 as to the operation, use, and parking of motor vehicles within the boundaries
16 of its school property.

17 * * *

Sec. 61a. 23 V.S.A. § 2502 is amended to read:

§ 2502. POINT ASSESSMENT; SCHEDULE

*(a) Unless the assessment of points is waived by a Superior judge or a
Judicial Bureau hearing officer in the interests of justice and in accordance
with subsection 2501(b) of this title, a person operating a motor vehicle shall*

have points assessed against his or her driving record for convictions for moving violations of the indicated motor vehicle statutes in accord with the following schedule: (All references are to Title 23 of the Vermont Statutes Annotated.)

(1) Two points assessed for:

** * **

*(YY) § 1127. Unsafe control in presence of horses
and cattle animals;*

** * **

1 Sec. 62. 24 V.S.A. § 134 is redesignated to read:

2 § 134. COUNTY TAX; COUNTY TREASURER; WARRANT

3 Sec. 63. 24 V.S.A. § 135 is redesignated to read:

4 § 135. COUNTY TAX; PAYMENT BY TOWN

5 Sec. 64. 24 V.S.A. § 214 is redesignated to read:

6 § 214. CARE OF LANDS IN UNORGANIZED TOWNS AND GORES;

7 LEASE LANDS

8 Sec. 65. 24 V.S.A. § 215 is amended to read:

9 § 215. LANDS IN UNORGANIZED TOWNS AND GORES; POWER TO

10 SUE AND DEFEND ACTIONS AS TO SUCH LANDS

11 During the time ~~such~~ the towns or gores described in section 214 of this

12 subchapter remain unorganized, the treasurer may commence and prosecute or

1 defend in the name of the county; any action necessary to recover or protect
2 the possession of such lands; or to recover damages for trespass committed
3 thereon.

4 Sec. 66. 24 V.S.A. § 216 is amended to read:

5 § 216. LANDS IN UNORGANIZED TOWNS AND GORES; RENTS

6 ~~(a) He or she may lease such lands~~ The treasurer may lease the lands
7 described in section 214 of this subchapter in such manner as he or she judges
8 beneficial, reserving rents for the same, which shall annually be paid into the
9 treasury of the county, until the town or gore in which the lands lie is
10 organized. Thereafter the rents shall be paid into the treasury of the town in
11 which the lands lie.

12 (b) Lands granted to the first settled minister shall not be leased at any one
13 time for a longer period than five years, or until a minister is settled who is
14 entitled to the same.

15 Sec. 67. 24 V.S.A. § 217 is amended to read:

16 § 217. DISPOSAL OF RENTS OF LANDS IN UNORGANIZED TOWNS

17 AND GORES

18 When paid into the county treasury, ~~such~~ the rents described in section 216
19 of this subchapter shall be disposed of as other funds in the treasury.

20 Sec. 68. 24 V.S.A. § 220 is amended to read:

21 § 220. TAX WARRANT; PAYMENT BY TOWN

1 Each town treasurer shall present ~~such~~ the warrant described in section 219
2 of this subchapter to the selectboard who shall, within the time required by the
3 warrant, draw an order on the town treasury for the amount of such warrant
4 and ~~such~~ that treasurer shall forthwith pay the county treasurer the amount of
5 such order, which amount shall be assessed by the selectboard as a tax upon
6 the grand list of the town unless otherwise provided for.

7 Sec. 69. 24 V.S.A. § 308 is amended to read:

8 § 308. DEPUTY SHERIFFS; NO COMPENSATION FOR APPOINTMENT;
9 PENALTY

10 (a) A sheriff shall not ask of or receive from his or her deputies any pay,
11 compensation or reward by way of deputation fee, or otherwise, for such
12 appointments.

13 (b) A sheriff who violates a provision of this section shall be fined not
14 more than \$200.00 nor less than \$50.00.

15 Sec. 70. 24 V.S.A. § 1170 is redesignated to read:

16 § 1170. APPOINTMENT OF ASSISTANT CLERK

17 Sec. 71. 24 V.S.A. § 1171 is redesignated to read:

18 § 1171. DUTIES OF ASSISTANT CLERK

19 Sec. 72. 24 V.S.A. § 1172 is redesignated to read:

20 § 1172. ASSISTANT CLERK; RECORD TO COUNTY CLERK

21 Sec. 73. 24 V.S.A. § 1311 is redesignated to read:

1 § 1311. FORFEITURE FOR BREACH OF BYLAWS

2 Sec. 74. 24 V.S.A. § 1317 is redesignated to read:

3 § 1317. ANNEXATION; PROCEDURE

4 Sec. 75. 24 V.S.A. § 1318 is redesignated to read:

5 § 1318. ANNEXATION; FIX TIME FOR VOTING

6 Sec. 76. 24 V.S.A. § 1356 is amended to read:

7 § 1356. FUNCTIONS AND DUTIES OF BOARD OF APPRAISERS

8 (a) The Board of Appraisers shall perform the same functions and duties
9 for the ~~unorganized~~ unified towns and gores of Essex County that the listers
10 perform for their municipality.

11 (b) Except as otherwise specifically provided, the appraisers shall enjoy the
12 same powers, privileges, immunities, and remuneration; and shall be subject to
13 the same obligations, limitations, liabilities, and penalties in respect to their
14 ~~unorganized~~ the unified towns and gores of Essex County; as listers enjoy and
15 are subject to in respect to their municipality.

16 Sec. 77. 24 V.S.A. § 1402 is redesignated to read:

17 § 1402. APPRAISERS; OATH; FILE

18 Sec. 78. 24 V.S.A. § 1404 is redesignated to read:

19 § 1404. SUPERVISORS; COMMISSION AND OATH; RECORD

20 Sec. 79. 24 V.S.A. § 1524 is amended to read:

21 § 1524. TAX LEVIES; HOW KEPT

1 The town treasurer upon receiving from the selectboard a town tax bill
2 under the provisions of 32 V.S.A. § 4791 or the receipt of the tax collector for
3 such bill under the provisions of section 1522 of this title shall credit the town
4 highway department and the town school district, ~~subject, however, to the~~
5 ~~provision of 16 V.S.A. § 513 as to school districts,~~ each with the gross sum of
6 the levy provided for such department and district. The balance of such levy
7 shall be credited to the general fund.

8 Sec. 80. 24 V.S.A. § 1525 is redesignated to read:

9 § 1525. TAX LEVIES; CREDIT FOR GAINS

10 Sec. 81. 24 V.S.A. § 1526 is redesignated to read:

11 § 1526. TAX LEVIES; DEBIT OF GENERAL FUND

12 Sec. 82. 24 V.S.A. § 1533 is amended to read:

13 § 1533. TOWN BOARD FOR THE ABATEMENT OF TAXES

14 The board of civil authority, with the listers and the town treasurer, shall
15 constitute a board for the abatement of town, town school district ~~taxes,~~ and
16 current use taxes. The act of a majority of a quorum at a meeting shall be
17 treated as the act of the board. ~~The above requirement in respect to a quorum~~
18 This quorum requirement need not be met if the town treasurer, a majority of
19 the listers, and a majority of the selectboard are present at the meeting.

20 Sec. 83. 24 V.S.A. § 1536 is redesignated to read:

21 § 1536. ABATEMENT; RECORD; DISCHARGE

1 Sec. 84. 24 V.S.A. § 1583 is redesignated to read:

2 § 1583. OUTSTANDING ORDERS; PUBLICATION OF NOTICE

3 Sec. 85. 24 V.S.A. § 1584 is amended to read:

4 § 1584. OUTSTANDING ORDERS; NO INTEREST AFTER DAY NAMED
5 OF NOTICE

6 When such notice has been given, by publication as ~~aforsaid~~ set forth in
7 section 1583 of this subchapter or by written notice signed by the treasurer and
8 delivered to the holder of any such order, such order shall not draw interest
9 after the day named in the notice, unless the treasurer fails to pay such order
10 on presentation according to the terms of the notice.

11 Sec. 86. 24 V.S.A. § 1685 is amended to read:

12 § 1685. VILLAGE SUBCHAPTER APPLICATION TO VILLAGES

13 Sections 1681-1684 of this ~~title~~ subchapter shall apply to all incorporated
14 villages.

15 Sec. 87. 24 V.S.A. § 1689 is amended to read:

16 § 1689. PENALTY FOR FAILURE TO SEND NOTICE

17 A bank, trust company, or individual who violates a provision of section
18 1687 or 1688 of this ~~title~~ subchapter shall be fined not less than \$10.00 nor
19 more than \$25.00.

20 Sec. 88. 24 V.S.A. § 1758 is amended to read:

21 § 1758. CONDUCT OF MEETINGS

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(c) A public informational hearing adhering to the requirements of 17 V.S.A. § 2680(g) shall be held to discuss the proposition of a school district incurring a bonded debt to pay for an improvement. At such hearing, the school board shall distribute to the participants a written estimate of the percentage of the costs of the improvement that will not be eligible for State school construction aid because its unit costs ~~and/or~~ or allowable space, or both, cause it to exceed the maximum cost for State participation under the State Board of Education's formula for school construction.

Sec. 89. 24 V.S.A. § 1772 is redesignated to read:

§ 1772. AUTHORIZATION REFUNDING BONDS; PROCEDURE AND LIMITATIONS

Sec. 90. 24 V.S.A. § 1782 is redesignated to read:

§ 1782. REGISTERED BONDS; FORM OF CERTIFICATE

Sec. 91. 24 V.S.A. § 1783 is redesignated to read:

§ 1783. REGISTERED BONDS; INDORSEMENT TO BE CONCLUSIVE EVIDENCE OF AUTHORITY

Sec. 92. 24 V.S.A. § 1784 is redesignated to read:

§ 1784. REGISTERED BONDS; TREASURER TO KEEP RECORD

Sec. 93. 24 V.S.A. § 1785 is redesignated to read:

§ 1785. REGISTERED BONDS; CONVERSION NOT TO AFFECT

1 Sec. 96. 24 V.S.A. § 2202a is amended to read:

2 § 2202a. MUNICIPALITIES—RESPONSIBILITIES FOR SOLID WASTE

3 * * *

4 (c)(1) ~~No later than~~ On or before July 1, 1988, each municipality, as
5 defined in subdivision 4303(12) of this title, shall join or participate in a solid
6 waste management district organized pursuant to chapter 121 of this title ~~no~~
7 ~~later than~~ on or before January 1, 1988 or participate in a regional planning
8 commission's planning effort for purposes of solid waste implementation
9 planning, as implementation planning is defined in 10 V.S.A. § 6602.

10 (2) ~~No later than~~ On or before July 1, 1990, each regional planning
11 commission shall work on a cooperative basis with municipalities within the
12 region to prepare a solid waste implementation plan for adoption by all of the
13 municipalities within the region ~~which~~ that are not members of a solid waste
14 district, that conforms to the State Waste Management Plan and describes in
15 detail how the region will achieve the priorities established by 10 V.S.A.
16 § 6604(a)(1). A solid waste implementation plan adopted by a municipality
17 that is not a member of a district shall not in any way require the approval of a
18 district. ~~No later than~~ On or before July 1, 1990, each solid waste district shall
19 adopt a solid waste implementation plan that conforms to the State Waste
20 Management Plan, describes in detail how the district will achieve the
21 priorities established by 10 V.S.A. § 6604(a), and is in conformance with any

1 regional plan adopted pursuant to chapter 117 of this title. Municipalities or
2 solid waste management districts that have contracts in existence as of
3 January 1, 1987, which contracts are inconsistent with the State Solid Waste
4 Plan and the priorities established in 10 V.S.A. § 6604(a), shall not be required
5 to breach those contracts, provided they make good faith efforts to renegotiate
6 those contracts in order to comply. The Secretary may extend the deadline for
7 completion of a plan upon finding that despite good faith efforts to comply, a
8 regional planning commission or solid waste management district has been
9 unable to comply, due to ~~the unavailability of planning assistance funds under~~
10 ~~10 V.S.A. § 6603b(a)~~ or delays in completion of a landfill evaluation under
11 10 V.S.A. § 6605a.

12 * * *

13 Sec. 97. 24 V.S.A. § 2243 is amended to read:

14 § 2243. ADMINISTRATION; DUTIES AND AUTHORITY

15 The Agency of Transportation and the Secretary of Natural Resources are
16 designated as responsible for carrying out the provisions of this subchapter and
17 shall have the following additional responsibilities and powers:

18 (1) The Agency of Transportation or the Secretary of Natural Resources
19 may make such reasonable rules ~~and regulations~~ as it, ~~he~~, or she deems
20 necessary, provided such rules ~~and regulations~~ do not conflict with any federal
21 laws, rules, and regulations, or the provisions of this subchapter.

1 For the purpose of promoting the public health, safety, welfare, and
2 convenience, a town, city, or incorporated village shall have the following
3 powers:

4 * * *

5 (28) Notwithstanding any contrary provision of sections 2291a and
6 4413 of this title or 30 V.S.A. chapter 5 or 89, a municipality may adopt
7 an ordinance to establish screening requirements that shall apply to a ground-
8 mounted plant that generates electricity from solar energy. In a proceeding
9 under 30 V.S.A. § 248, the municipality may make recommendations to the
10 Public Service Board applying the ordinance to such a plant. The ordinance
11 may designate the municipal body to make this recommendation. Screening
12 requirements and recommendations adopted under this subdivision shall be a
13 condition of a certificate of public good issued for the plant under 30 V.S.A. §
14 248, provided that they do not prohibit or have the effect of prohibiting the
15 installation of such a plant and do not have the effect of interfering with its
16 intended functional use.

17 * * *

18 (B) In this ~~section~~ subdivision (28), “plant” shall have the same
19 meaning as in 30 V.S.A. § 8002 and “screening” means reasonable aesthetic
20 mitigation measures to harmonize a facility with its surroundings and includes
21 landscaping, vegetation, fencing, and topographic features.

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Sec. 100. 24 V.S.A. § 2509 is redesignated to read:

§ 2509. CUTTING SHADE TREES; HEARING

Sec. 101. 24 V.S.A. § 2606 is redesignated to read:

§ 2606. PHYSICIAN'S RESIDENCE; FINANCING

Sec. 102. 24 V.S.A. § 2696 is amended to read:

§ 2696. ASSOCIATED TOWN HOME

Any number of towns may unite for the purpose of supporting a town home. For this purpose they may enter into a compact under chapter 89 of Title 24 an agreement under chapter 121 of this title.

Sec. 103. 24 V.S.A. § 2806 is redesignated to read:

§ 2806. CONDEMNED LAND; NOTICE TO MORTGAGEE;

APPLICATION OF PAYMENT

Sec. 104. 24 V.S.A. § 2807 is redesignated to read:

§ 2807. PROCEDURE FOR TAKING LAND

Sec. 105. 24 V.S.A. § 2808 is redesignated to read:

§ 2808. CONDEMNATION; RECORD OF ORDERS AND PROCEEDINGS

Sec. 106. 24 V.S.A. § 2811 is redesignated to read:

§ 2811. COMMISSIONER'S NOTICE; HEARING; AND REPORT;

COSTS SUPERIOR COURT ORDER

Sec. 107. 24 V.S.A. § 3102 is amended to read:

1 § 3102. BUILDING INSPECTORS

2 (a) Upon the adoption of any codes, rules, or regulations as provided in
3 section 3101 of this title, the mayor and board of aldermen of a city, the
4 selectboard of a town, or the trustees of an incorporated village shall appoint
5 and may remove a building inspector, and may appoint and may remove a
6 deputy building inspector, prescribe their duties, and fix their compensation.

7 (b) The building inspector ~~and/or~~ and any deputy building inspector shall
8 be a disinterested and competent person with experience in the construction of
9 various types of buildings.

10 Sec. 108. 24 V.S.A. § 3217 is amended to read:

11 § 3217. COOPERATION BY PUBLIC BODIES

12 (a)(1) For the purpose of aiding in the planning, undertaking, or carrying
13 out of an urban renewal project located within the area in which it is
14 authorized to act, any public body may, upon such terms, with or without
15 consideration, as it may determine:

16 (1)(A) dedicate, sell, convey, or lease any of its interest in any
17 property or grant easements, licenses, or other rights or privileges therein to a
18 municipality;

19 (2)(B) incur the entire expense of any public improvements made by
20 such public body in exercising the powers granted in this section;

21 (3)(C) do any and all things necessary to aid or cooperate in the

1 planning or carrying out of an urban renewal plan;

2 ~~(4)~~(D) lend, grant, or contribute funds to a municipality;

3 ~~(5)~~(E) enter into agreements ~~which~~ that may extend over any period,

4 notwithstanding any provisions or rule of law to the contrary, with a

5 municipality or other public body respecting action to be taken pursuant to any

6 of the powers granted by this chapter, including the furnishing of funds or

7 other assistance in connection with an urban renewal project; and

8 ~~(6)~~(F) cause public buildings and public facilities, including parks,

9 playgrounds, recreational, community, educational, water, sewer or drainage

10 facilities, or any other works ~~which~~ that it is otherwise empowered to

11 undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade,

12 regrade, plan or replan streets, roads, sidewalks, ways or other places; plan ~~or~~,

13 replan, zone, or rezone any part of the public body or make exceptions from

14 building regulations; and cause administrative and other services to be

15 furnished to the municipality.

16 (2) If at any time title to or possession of any urban renewal project is

17 held by any public body or governmental agency, other than the municipality,

18 ~~which~~ that is authorized by law to engage in the undertaking, carrying out, or

19 administration of urban renewal projects, including any agency or

20 instrumentality of the United States of America, the provisions of the

21 agreements referred to in this section shall inure to the benefit of and may be

1 enforced by such public body or governmental agency.

2 (3) As used in this subsection, the term “municipality” shall also include
3 an urban renewal agency or a housing authority vested with all of the urban
4 renewal project powers pursuant to the provisions of section 3219 of this title.

5 * * *

6 (d)(1) For the purposes of this section, or for the purpose of aiding in the
7 planning, undertaking, or carrying out of an urban renewal project of a
8 municipality, ~~such~~ that municipality may, in addition to any authority to issue
9 bonds pursuant to section 3214 of this title, issue and sell its general obligation
10 bonds.

11 (2) Any bonds issued by a municipality pursuant to this section shall be
12 issued in the manner and within the limitations prescribed by the laws of this
13 state for the issuance and authorization of bonds by ~~such~~ that municipality for
14 public purposes generally. However, bonds so issued:

15 (1)(A) shall not be considered as indebtedness of ~~such~~ the
16 municipality limited by the provisions of section 1762 of this title or any other
17 general or special law; and

18 (2)(B) may be authorized by a majority of all the voters present and
19 voting on the question at a meeting of such municipality held for the purpose
20 pursuant to subchapter 1 of chapter 53 of this title or pursuant to the provisions
21 of any special law ~~which~~ that governs the authorization of indebtedness by

1 ~~such~~ the municipality.

2 (3)(A) So long as any such bonds of a the municipality are outstanding
3 the local governing body may deduct, in any one or more years from any net
4 increase in the aggregate taxable valuation of land and improvements in all
5 areas covered by urban renewal plans the amount necessary to produce tax
6 revenues equal to the current debt service on such bonds, assuming the
7 previous year's total tax rate and full collection.

8 (B) Only the balance, if any, of such net increase shall be taken into
9 account in computing the sums ~~which~~ that may be appropriated for other
10 purposes under applicable tax rate limits.

11 (C) ~~But all~~ All the taxable property in all areas covered by urban
12 renewal plans, including the whole of such net increase, shall be subject to the
13 same total tax rate as other taxable property, except as may be otherwise
14 provided by law.

15 (D) ~~Such~~ The net increase shall be computed each year by
16 subtracting, from the current aggregate valuation of the land and
17 improvements in all the areas covered by urban renewal plans, the sum of the
18 aggregate valuations of land and improvements in each such area on the date
19 the urban plan for such area was approved under ~~section~~ subsection 3207(f) of
20 this title. An area shall be deemed to be covered by an urban renewal plan
21 until the date shown in the plan as its expiration date or until the date all the

1 indebtedness incurred by the municipality to finance the applicable project has
2 been paid, whichever date is later.

3 (4) All the provisions of this subsection shall apply to all municipalities,
4 notwithstanding any provision of general or special law ~~which~~ to the contrary
5 that specifies a different debt limit, ~~which~~ that requires a greater vote to
6 authorize bonds, ~~which~~ that prescribes a different computation of
7 appropriations under tax rate limits, or ~~which~~ that is otherwise inconsistent
8 with this subsection ~~to the contrary notwithstanding~~.

9 Sec. 109. 24 V.S.A. § 4756 is amended to read:

10 § 4756. ELIGIBILITY CERTIFICATION

11 (a) No construction loan or loan for the purchase of land or conservation
12 easements to a municipality shall be made under this chapter, nor shall any
13 part of any revolving fund which is designated for project construction be
14 expended under section 4757 of this title, until such time as:

15 * * *

16 (6) The Secretary shall certify to the Bond Bank that any management
17 program to be financed under subdivision 4753(a)(1) and section 4754 of this
18 title is in conformance with all applicable State and federal laws, and all
19 ~~regulations promulgated~~ rules and regulations adopted thereunder;

20 * * *

21 (b) The Bond Bank may make loans to a municipality for the preparation

1 of final engineering plans and specifications subject to the following
2 conditions and limitations:

3 * * *

4 (2) The Secretary of Natural Resources shall have certified to the Bond
5 Bank that the project:

6 * * *

7 (C) is in conformance with applicable State and federal law and rules
8 and regulations adopted thereunder.

9 * * *

10 Sec. 110. 24 V.S.A. § 5605 is amended to read:

11 § 5605. RECREATIONAL FACILITIES GRANT PROGRAM

12 * * *

13 (c) Administrative support. The Department of Buildings and General
14 Services shall provide administrative support to the Program.

15 Sec. 111. 24 V.S.A. § 5606 is amended to read:

16 § 5606. HUMAN SERVICES AND EDUCATIONAL FACILITIES

17 COMPETITIVE GRANT PROGRAM

18 * * *

19 (c) Administrative support. The Department of Buildings and General
20 Services shall provide administrative support to the Program.

21 Sec. 112. 24 App. V.S.A. chapter 19, § 601 is amended to read:

1 § 601. ORGANIZATION

2 (a) ~~Creation of departments.~~ The City Council, in consultation with the
3 Manager, may create, modify, or eliminate administrative departments, offices,
4 or agencies which shall be under the direction and supervision of the City
5 Manager, who shall appoint the head of such departments.

6 * * *

7 Sec. 113. 24 App. V.S.A. chapter 19, § 602 is amended to read:

8 § 602. CITIZEN ENGAGEMENT

9 (a) [Repealed.]

10 (b) ~~Council appointment.~~ The City Council may appoint additional boards
11 and commissions at its discretion or as required by law.

12 * * *

13 Sec. 114. 24 App. V.S.A. chapter 19, § 704 is amended to read:

14 § 704. BUDGET

15 * * *

16 (e) Reports. The budget shall be prepared and managed by the Manager,
17 who shall issue an annual report on all City budgets, in accordance with
18 section 504 of this charter. The budget shall be monitored by the City
19 Treasurer who shall make timely periodic reports thereof to the Council.

20 (f) Enterprise and special revenue budgets. The Manager shall submit
21 enterprise and special revenue budgets to the Council. The Council may

1 amend and shall approve the enterprise and special revenue budgets prior to
2 the start of each fiscal year.

3 Sec. 115. 24 App. V.S.A. chapter 19, § 705 is amended to read:

4 § 705. CAPITAL IMPROVEMENT PLAN

5 * * *

6 (c) Revisions and extensions. The information in this section may be
7 revised and extended each year with regard to capital improvements still
8 pending or in process of construction or acquisition.

9 Sec. 116. 24 App. V.S.A. chapter 129, § 202 is amended to read:

10 § 202. ELECTIVE OFFICERS

11 (a) Officers. The officers elected at its annual meeting shall be:

12 * * *

13 Sec. 117. 26 V.S.A. § 1354 is amended to read:

14 § 1354. UNPROFESSIONAL CONDUCT

15 (a) The Board shall find that any one of the following, or any combination
16 of the following, whether ~~or not~~ the conduct at issue was committed within or
17 outside the State, constitutes unprofessional conduct:

18 * * *

19 (26) any physician who, in the course of a collaborative agreement with
20 a nurse practitioner allows the nurse practitioner to perform a medical act
21 ~~which~~ that is outside the usual scope of the physician's own practice or ~~which~~

1 that the nurse practitioner is not qualified to perform by training or experience,
2 or ~~which~~ that the ordinary reasonable and prudent physician engaged in a
3 similar practice would not agree should be written into the scope of the nurse
4 practitioner's practice, ~~shall be subject to disciplinary action by the Board in~~
5 ~~accordance with chapter 23 of this title;~~

6 * * *

7 Sec. 118. 26 V.S.A. § 1583 is amended to read:

8 § 1583. EXEMPTIONS

9 This chapter does not prohibit:

10 * * *

11 (10) An advanced practice registered nurse who is duly licensed and in
12 good standing in another state, territory, or jurisdiction of the United States or
13 in Canada from practicing in this State if the APRN is employed as or formally
14 designated as the team APRN by an athletic team visiting Vermont for a
15 specific sporting event and the APRN limits the practice of advanced practice
16 registered nursing in this State to treatment of the members, coaches, and staff
17 of the sports team employing or designating the APRN.

18 Sec. 119. 26 V.S.A. § 2665 is amended to read:

19 § 2665. POWERS AND DUTIES OF THE DIRECTOR

20 (a) The Director shall:

21 (1) adopt only those rules for the full and efficient performance of its

1 duties;

2 * * *

3 (3) establish standards of education required of applicants for licensing
4 and establish, by appropriate rules ~~and regulations~~, the minimum standards for
5 any school presenting a course for present or future opticians;

6 * * *

7 (b) The Director shall not:

8 (1) adopt any rules ~~or regulations~~ prohibiting lawful advertising, the
9 display of ophthalmic materials or merchandise, or limiting the place or
10 location where opticians may practice; or

11 * * *

Sec. 119a. 28 V.S.A. chapter 11 is amended to read:

*CHAPTER 11. SUPERVISION OF ADULT INMATES AT THE
CORRECTIONAL FACILITIES*

** * **

Subchapter 5. Special Treatment Programs

** * **

Subchapter 6. Services For Inmates With Serious Functional Impairment

§ 905. LEGISLATIVE INTENT

*It is the intent of the General Assembly that the serious functional
impairment designation apply solely to individuals residing in a correctional*

facility and not to individuals reentering the community after incarceration.

~~*Subchapter 6. Services For Inmates With Serious Functional Impairment*~~

* * *

1 Sec. 120. 29 V.S.A. § 1158 is amended to read:

2 § 1158. ACTS AND RESOLVES; VERMONT STATUTES ANNOTATED;
3 DISTRIBUTION

4 (a) The State Librarian shall deliver the Acts and Resolves as follows: to
5 the Secretary of State, six copies; to the Clerk of the U.S. Supreme Court for
6 the use of the Court, one copy; to the Governor's Office and to the Governor
7 and Lieutenant Governor, one copy each; to the Library of Congress, four
8 copies; to each county clerk, three copies; one to each of the following officers
9 and institutions: each department of the U.S. government and upon request to
10 federal libraries, elective and appointive State officers, the clerk of each State
11 board or commission, superintendent of each State institution, the library of
12 the University of Vermont, the ~~libraries~~ library of Castleton, University, the
13 libraries of Johnson, and Lyndon State Colleges, Vermont Technical College,
14 Middlebury College, Norwich University, St. Michael's College, senators and
15 representatives of this State in Congress, members of the General Assembly
16 during the session at which such laws were adopted, the Secretary and
17 Assistant Secretary of the Senate, Clerk and Assistant Clerks of the House of
18 Representatives, the judges, attorney, marshall, and clerk of the U.S. District

1 Court in this State, the judge of the Second Circuit U.S. Court of Appeals from
2 Vermont, Justices and ex-Justices of the Supreme Court, Superior judges, the
3 reporter of decisions, judges and registers of probate, sheriffs, State's
4 Attorneys, town clerks; one each, upon request and as the available supply
5 permits, to assistant judges, justices of the peace, the chair of the legislative
6 body of each municipality and town treasurers; one within the State, to the
7 Vermont Historical Society, to each county or regional bar law library, and one
8 copy to each state or territorial library or Supreme Court library, and foreign
9 library which makes available to Vermont its comparable publication, provided
10 that if any of these officials hold more than one of the offices named, that
11 official shall be entitled to only one copy.

12 * * *

13 Sec. 121. 30 V.S.A. § 51 is amended to read:

14 § 51. RESIDENTIAL BUILDING ENERGY STANDARDS; STRETCH
15 CODE

16 * * *

17 (c) Revision and interpretation of energy standards. The Commissioner of
18 Public Service shall amend and update the RBES, by means of administrative
19 rules adopted in accordance with 3 V.S.A. chapter 25. ~~No later than~~ On or
20 before January 1, 2011, the Commissioner shall complete rulemaking to
21 amend the energy standards to ensure that, to comply with the standards,

1 residential construction must be designed and constructed in a manner that
2 complies with the 2009 edition of the IECC. ~~These amendments shall be~~
3 ~~effective three months after final adoption and shall apply to construction~~
4 ~~commenced on and after the date they become effective.~~ After January 1,
5 2011, the Commissioner shall ensure that appropriate revisions are made
6 promptly after the issuance of updated standards for residential construction
7 under the IECC. The Department of Public Service shall provide technical
8 assistance and expert advice to the Commissioner in the interpretation of the
9 RBES and in the formulation of specific proposals for amending the RBES.
10 Prior to final adoption of each required revision of the RBES, the Department
11 of Public Service shall convene an Advisory Committee to include one or
12 more mortgage lenders, builders, building designers, utility representatives,
13 and other persons with experience and expertise, such as consumer advocates
14 and energy conservation experts. The Advisory Committee may provide the
15 Commissioner with additional recommendations for revision of the RBES.

16 * * *

17 (2) ~~Except for the amendments required by this subsection to be adopted~~
18 ~~by January 1, 2011, each~~ Each time the RBES are amended by the
19 Commissioner, the amended RBES shall become effective upon a date
20 specified in the adopted rule, a date that shall not be less than three months
21 after the date of adoption. ~~Except for the amendments required by this~~

1 ~~subsection to be adopted by January 1, 2011, persons~~ Persons commencing
2 residential construction before the effective date of the amended RBES shall
3 have the option of complying with the applicable provisions of the earlier or
4 the amended RBES. After the effective date of the original or the amended
5 RBES, any person commencing residential construction shall comply with the
6 most recent version of the RBES.

7 * * *

8 Sec. 122. 30 V.S.A. § 53 is amended to read:

9 § 53. COMMERCIAL BUILDING ENERGY STANDARDS

10 * * *

11 (c) Revision and interpretation of energy standards. ~~No later than~~ On or
12 before January 1, 2011, the Commissioner shall complete rulemaking to
13 amend the commercial building energy standards to ensure that commercial
14 building construction must be designed and constructed in a manner that
15 complies with ANSI/ASHRAE/IESNA standard 90.1-2007 or the 2009 edition
16 of the IECC, whichever provides the greatest level of energy savings. ~~These~~
17 ~~amendments shall be effective three months after final adoption and shall~~
18 ~~apply to construction commenced on and after the date they become effective.~~
19 At least every three years after January 1, 2011, the Commissioner of Public
20 Service shall amend and update the CBES by means of administrative rules
21 adopted in accordance with 3 V.S.A. chapter 25. The Commissioner shall

1 ensure that appropriate revisions are made promptly after the issuance of
2 updated standards for commercial construction under the IECC or
3 ASHRAE/ANSI/IESNA standard 90.1, whichever provides the greatest level
4 of energy savings. Prior to final adoption of each required revision of the
5 CBES, the Department of Public Service shall convene an Advisory
6 Committee to include one or more mortgage lenders; builders; building
7 designers; architects; civil, mechanical, and electrical engineers; utility
8 representatives; and other persons with experience and expertise, such as
9 consumer advocates and energy conservation experts. The Advisory
10 Committee may provide the Commissioner of Public Service with additional
11 recommendations for revision of the CBES.

12 (1) Any amendments to the CBES shall be:

13 * * *

14 (2) ~~Except for the amendments required by this subsection to be adopted~~
15 ~~by January 1, 2011, each~~ Each time the CBES are amended by the
16 Commissioner of Public Service, the amended CBES shall become effective
17 upon a date specified in the adopted rule, a date that shall not be less than three
18 months after the date of adoption. ~~Except for the amendments required by this~~
19 ~~subsection to be adopted by January 1, 2011, persons~~ Persons submitting an
20 application for any local permit authorizing commercial construction, or an
21 application for construction plan approval by the Commissioner of Public

1 Safety pursuant to 20 V.S.A. chapter 173, before the effective date of the
2 amended CBES shall have the option of complying with the applicable
3 provisions of the earlier or the amended CBES. After the effective date of the
4 original or the amended CBES, any person submitting such an application for
5 commercial construction in an area subject to the CBES shall comply with the
6 most recent version of the CBES.

7 * * *

8 Sec. 123. 30 V.S.A. § 202 is amended to read:

9 § 202. ELECTRICAL ENERGY PLANNING

10 * * *

11 (e) The Department shall conduct public hearings on the final draft and
12 shall consider the evidence presented at such hearings in preparing the final
13 Plan. The Plan shall be adopted ~~no later than~~ on or before January 1, 2016 and
14 readopted in accordance with this section ~~by~~ on or before every sixth
15 January 15 thereafter, and shall be submitted to the General Assembly each
16 time the plan is adopted or readopted. The provisions of 2 V.S.A. § 20(d)
17 (expiration of required reports) shall not apply to the submission to be made
18 under this subsection.

19 * * *

20 Sec. 124. 30 V.S.A. § 202b is amended to read:

21 § 202b. STATE COMPREHENSIVE ENERGY PLAN

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(c) The Department shall adopt a State Energy Plan on or before January 1, 2016 and shall readopt the Plan by on or before every sixth January 15 thereafter. On adoption or readoption, the Plan shall be submitted to the General Assembly. The provisions of 2 V.S.A. § 20(d)(expiration of required reports) shall not apply to such submission.

* * *

Sec. 125. 30 V.S.A. § 248 is amended to read:

§ 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND FACILITIES; CERTIFICATE OF PUBLIC GOOD

(a)(1) No company, as defined in section 201 of this title, may:

* * *

(2) Except for the replacement of existing facilities with equivalent facilities in the usual course of business, and except for electric generation facilities that are operated solely for on-site electricity consumption by the owner of those facilities and for hydroelectric generation facilities subject to licensing jurisdiction under the Federal Power Act, 16 U.S.C. chapter 12, subchapter 1:

(A) no company, as defined in section 201 of this title, and no person, as defined in 10 V.S.A. § 6001(14), may begin site preparation for or construction of an electric generation facility or electric transmission facility

1 within the State ~~which~~ that is designed for immediate or eventual operation at
2 any voltage; and

3 * * *

4 (4)(A) With respect to a facility located in the State, the Public Service
5 Board shall hold a nontechnical public hearing on each petition for such
6 finding and certificate in at least one county in which any portion of the
7 construction of the facility is proposed to be located.

8 (B) The Public Service Board shall hold technical hearings at
9 locations ~~which~~ that it selects.

10 * * *

11 (G) The regional planning commission for the region in which the
12 facility is located shall have the right to appear as a party in any proceedings
13 held under this subsection. The regional planning commission of an adjacent
14 region shall have the same right if the distance of the facility's nearest
15 component to the boundary of that planning commission is within 500 feet or
16 10 times the height of the facility's tallest component, whichever is greater.

17 (H) The legislative body and the planning commission for the
18 municipality in which a facility is located shall have the right to appear as a
19 party in any proceedings held under this subsection. The legislative body and
20 planning commission of an adjacent municipality shall have the same right if
21 the distance of the facility's nearest component to the boundary of that

1 adjacent municipality is within 500 feet or 10 times the height of the facility's
2 tallest component, whichever is greater.

3 * * *

4 (b) Before the Public Service Board issues a certificate of public good as
5 required under subsection (a) of this section, it shall find that the purchase,
6 investment, or construction:

7 * * *

8 (2) Is required to meet the need for present and future demand for
9 service ~~which~~ that could not otherwise be provided in a more cost-effective
10 manner through energy conservation programs and measures and energy-
11 efficiency and load management measures, including those developed pursuant
12 to the provisions of subsection 209(d), section 218c, and subsection 218(b) of
13 this title. In determining whether this criterion is met, the Board shall assess
14 the environmental and economic costs of the purchase, investment, or
15 construction in the manner set out under subdivision 218c(a)(1)(least cost
16 integrated plan) of this title and, as to a generation facility, shall consider
17 whether the facility will avoid, reduce, or defer transmission or distribution
18 system investments.

19 * * *

20 (c)(1) Except as otherwise provided in subdivision (j)(3) of this section, in
21 the case of a municipal plant or department formed under local charter or

1 chapter 79 of this title or a cooperative formed under chapter 81 of this title,
2 any proposed investment, construction, or contract ~~which is~~ subject to this
3 section shall be approved by a majority of the voters of a municipality or the
4 members of a cooperative voting upon the question at a duly warned annual or
5 special meeting to be held for that purpose. However, in the case of a
6 cooperative formed under chapter 81 of this title, an investment in or
7 construction of an in-state electric transmission facility shall not be subject to
8 the requirements of this subsection if the investment or construction is solely
9 for reliability purposes and does not include new construction or upgrades to
10 serve a new generation facility.

11 (2) The municipal department or cooperative shall provide to the voters
12 or members, as the case may be, written assessment of the risks and benefits of
13 the proposed investment, construction, or contract ~~which~~ that were identified
14 by the Public Service Board in the certificate issued under this section. The
15 municipal department or cooperative also may provide to the voters an
16 assessment of any other risks and benefits.

17 * * *

18 Sec. 126. 30 V.S.A. § 406 is amended to read:

19 § 406. PENALTY

20 A person, firm, or corporation who violates a provision of sections 404 and
21 405 of this title shall be subject to the penalty set forth in 10 V.S.A. § 1094

1 penalties in the same manner as a violation of 10 V.S.A. chapter 43.

2 Sec. 127. 30 V.S.A. § 8008 is amended to read:

3 § 8008. AGREEMENTS; ATTRIBUTE REVENUES; DISPOSITION BY
4 BOARD

5 (a) ~~For the purpose of~~ As used in this section, “the revenues” means
6 revenues that are from the sale, through tradeable renewable energy certificates
7 or other means, of environmental attributes associated with the generation of
8 renewable energy from a system of generation resources with a total plant
9 capacity greater than 200 MW and that are received by a Vermont retail
10 electricity provider on ~~and~~ or after May 1, 2012, pursuant to an agreement,
11 contract, memorandum of understanding, or other transaction in which a
12 person or entity agrees to transfer such revenues or rights associated with such
13 attributes to the provider.

14 * * *

15 Sec. 128. 31 V.S.A. § 608 is amended to read:

16 § 608. APPLICATION; BOND

17 Fair associations or corporations ~~which~~ that now conduct annual
18 agricultural fairs in Vermont, or Vermont corporations ~~who~~ that wish to
19 conduct extended race meetings, with a percentage as designated for the
20 benefit of ~~State Stipend Fund~~ the Racing Special Fund established pursuant to
21 section 630 of this title, shall be eligible to apply for a license. An eligible

1 association or corporation desiring to hold a running or harness horse race or
2 meet for public exhibition at which pari-mutuel pools are to be sold, shall
3 apply to the Commission to do so. Every fair association, or corporation
4 conducting horse racing or meets at which pari-mutuel pools are to be sold
5 under license from the Commission ~~created herein~~ shall give a bond in a sum
6 not to exceed \$75,000.00 as shall be determined by the Commission, with
7 good and sufficient surety or sureties, conditioned upon the faithful
8 performance of its duties and obligations to the State of Vermont as prescribed
9 ~~herein~~ by this chapter.

10 Sec. 129. 31 V.S.A. § 615 is amended to read:

11 § 615. PARI-MUTUEL POOLS

12 * * *

13 (c) From the pari-mutuel pool the Racing Commission established pursuant
14 to section 602 of this title shall receive the applicable percentage ~~stated below~~
15 as set forth in this subsection and the licensee shall retain the balance of the
16 pari-mutuel pool commission:

17 * * *

18 (5) During any calendar year the number of programs which the
19 licensee is licensed by the Commission to conduct shall determine the amount
20 of the payments to be made under this section to the Racing Commission
21 established pursuant to section 602 of this title. If, in any year, the licensee

1 fails to conduct the full number of licensed programs, any payment shortage
2 shall be reimbursed immediately as due. The Commission has the duty and
3 authority to make prompt orders, as necessary, to assure reimbursement. The
4 funds received by the Racing Commission shall be managed pursuant to
5 ~~32 V.S.A. chapter 7, subchapter 5~~ section 630 of this title, and shall be
6 available to the Racing Commission to offset the costs of providing its
7 services.

8 * * *

9 Sec. 130. 31 V.S.A. § 622 is amended to read:

10 § 622. TOWN VOTE; APPROVAL, REVOCATION

11 (a) A license shall not be issued by the Commission under this chapter for
12 holding a race meet in any town until the town, at an annual or special meeting
13 called for the purpose, has, by majority vote of those present and voting,
14 approved the issuance of licenses under this chapter in the town. ~~The~~
15 ~~Commission may issue a license for holding greyhound race meets without any~~
16 ~~additional voting approval by the town, in any town which has, prior to~~
17 ~~April 1, 1974, approved the issuance of licenses for horse race meets.~~

18 * * *

19 Sec. 131. 32 V.S.A. § 101 is amended to read:

20 § 101. COMMUNICATIONS TO GOVERNOR AND ASSEMBLY

21 The Treasurer shall prepare an annual financial report and shall submit to

1 the Governor ~~or~~ and either House of the General Assembly; abstracts; copies
2 of accounts, or official documents of any kind ~~in the office or;~~ and information
3 relating to the revenue, ~~to the official transactions or to,~~ and the Department of
4 the Treasury ~~and prepare an annual financial report.~~

5 Sec. 132. 32 V.S.A. § 312 is amended to read:

6 § 312. TAX EXPENDITURE REPORT

7 (a) As used in this section, “tax expenditure” shall mean the actual or
8 estimated loss in tax revenue resulting from any exemption, exclusion,
9 deduction, credit, preferential rate, or deferral of liability applicable to the tax.

10 Tax expenditures shall not include the following:

11 (1) revenue outside the taxing power of the State;

12 * * *

13 (4) revenue forgone for the purpose of avoiding government taxing
14 itself.

15 (b) Tax expenditure reports. Biennially, as part of the budget process,
16 beginning January 15, 2009, the Department of Taxes and the Joint Fiscal
17 Office shall file with the House Committees on Ways and Means and on
18 Appropriations and the Senate Committees on Finance and on Appropriations
19 a report on tax expenditures in the personal and corporate income taxes, sales
20 and use tax, and meals and rooms tax, insurance premium tax, bank franchise
21 tax, education property tax, diesel fuel tax, gasoline tax, and motor vehicle

1 purchase and use tax. The Office of Legislative Council shall also be available
2 to assist with this tax expenditure report. The provisions of 2 V.S.A. § 20(d)
3 (expiration of required reports) shall not apply to the report to be made under
4 this subsection. The report shall include, for each tax expenditure, the
5 following information:

6 * * *

7 (c) [Repealed.]

8 * * *

9 Sec. 133. 32 V.S.A. § 404 is amended to read:

10 § 404. RETURNED PAYMENTS; PENALTY

11 (a) Agencies and departments of State government may assess a penalty of
12 \$20.00 against the issuer for each payment for amounts due in the form of a
13 check, draft, electronic payment, or other acceptable forms of payment that
14 have been dishonored for lack of funds or credit to pay the same.

15 (b) Such penalty collected shall be credited to a special fund established
16 and managed pursuant to ~~subchapter 5 of chapter 7~~, subchapter 5 of this title,
17 or to another budgeted fund other than the General Fund, and shall be
18 available to the agency or department to offset the costs of collecting the
19 amount owed.

20 Sec. 134. 32 V.S.A. § 435 is amended to read:

21 § 435. GENERAL FUND

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(b) The General Fund shall be composed of revenues from the following sources:

* * *

(9) Revenues from the Racing Special Fund consistent with 31 V.S.A. § ~~611~~ 630;

* * *

Sec. 135. 32 V.S.A. § 992 is amended to read:

§ 992. ALLOCATION; AUTHORITY

* * *

(b)(1) One hundred percent of Vermont's federally allocated State ceiling on the volume of private activity bonds ~~which~~ that may be issued in any calendar year is hereby allocated to the State. The Emergency Board established by ~~3~~ 32 V.S.A. chapter 3 shall be the duly authorized agency of the State having the power to apportion the State's private activity bond ceiling to and among the constituted issuing authorities empowered to issue such bonds. The Emergency Board shall exercise this power on or before January 31 in each calendar year by apportioning the ceiling among issuing authorities, reserving such portion as the Board deems appropriate in the form of a contingency allocation to be available to all issuing authorities at the discretion of the Emergency Board, pursuant to policies and guidelines established by the

1 Board.

2 (2) The Board may delegate the power and authority granted to it under
3 this section to the Governor, subject to the Board's policies and guidelines, for
4 any assignments or reallocations of any unused portion of the ceiling made
5 after December 20 in any calendar year. All assignments or reallocations of
6 the private activity bond ceiling made pursuant to this section shall be made in
7 writing in accordance with Section 146 of the Internal Revenue Code of 1986.

8 Sec. 136. [Deleted.]

9 Sec. 137. 32 V.S.A. § 5864 is amended to read:

10 § 5864. FAILURE TO FILE A RETURN; PETITION AND COMPUTATION
11 OF TAX

12 * * *

13 (b) Upon the failure of a taxpayer to file any return required under this
14 chapter within 15 days of the date of a notice to the taxpayer under section
15 5863 of this title, whether or not a petition has been or will be filed under
16 subsection (a) of this section, the Commissioner may compute the tax liability
17 of the taxpayer with respect to which the return was required to be filed,
18 according to the Commissioner's best information and belief. Upon that
19 computation, the Commissioner shall notify the taxpayer of his or her
20 deficiency with respect to the payment of that tax liability, and may assess any
21 penalty or interest with respect thereto, under ~~section 5881~~ sections 3202 and

1 3203 of this title.

2 Sec. 138. 32 V.S.A. § 5886 is amended to read:

3 § 5886. PAYMENT AND COLLECTION OF DEFICIENCIES AND
4 ASSESSMENTS; JEOPARDY NOTICES

5 (a) Upon notification to a taxpayer of any deficiency, and upon assessment
6 against the taxpayer of any penalty or interest, under ~~section 5881~~ sections
7 3202 and 3203 of this title, the amount of the assessment shall be payable
8 forthwith and the amount of the deficiency and assessment shall be collectible
9 by the Commissioner 60 days after the date of the notification or assessment.
10 The collection by the Commissioner of the deficiency, penalty, or interest shall
11 be stayed.

12 * * *

13 (b) Notwithstanding subsection (a) of this section, the Commissioner, if he
14 or she believes the collection from a taxpayer of any deficiency, penalty₂ or
15 interest to be in jeopardy, may demand, in writing, that the taxpayer pay the
16 deficiency, penalty₂ or interest forthwith. The demand may be made
17 concurrently with, or after, the notice of deficiency or the assessment of
18 penalty₂ or interest given to the taxpayer under ~~section 5881~~ sections 3202 and
19 3203 of this title. The amount of deficiency, penalty₂ or interest shall be
20 collectible by the Commissioner on the date of the demand, unless the
21 taxpayer files with the Commissioner a bond in an amount equal to the

1 deficiency, penalty, or interest sought to be collected as security for such
2 amount as finally may be determined. In the event that it is finally determined
3 that the taxpayer was not liable for the amount of the deficiency, penalty, or
4 interest referred to in any demand under this subsection, the Commissioner
5 shall reimburse the taxpayer, promptly upon such determination, for the
6 reasonable cost to the taxpayer of any bond obtained by him or her for the
7 purposes of this subsection.

8 Sec. 139. 32 V.S.A. § 5887 is amended to read:

9 § 5887. REMEDY EXCLUSIVE; DETERMINATION FINAL

10 (a) The exclusive remedy of a taxpayer with respect to the refund of
11 monies paid in connection with a return filed under this chapter shall be the
12 petition for refund provided under section 5884 of this title, and the appeal
13 from an adverse determination of the petition for refund provided under
14 section 5885 of this title. The exclusive remedy of a taxpayer with respect to a
15 notification of deficiency or assessment of penalty or interest under ~~section~~
16 ~~5884~~ sections 3202 and 3203 of this title shall be the petition for determination
17 of the deficiency or assessment provided under section 5883 of this title, and
18 the appeal from an adverse determination of deficiency or assessment provided
19 under section 5885 of this title.

20 (b) Upon the failure of a taxpayer to petition in accordance with section
21 5883 of this title from a notice of deficiency or assessment under ~~section 5884~~

1 sections 3202 and 3203 of this title, or to appeal in accordance with section
2 5885 of this title from a determination of a deficiency or assessment of tax
3 liability under section 5883 of this title, the taxpayer shall be bound by the
4 terms of the notification, assessment, or determination, as the case may be.

5 The taxpayer shall not thereafter contest, either directly or indirectly, the tax
6 liability as therein set forth, in any proceeding including, ~~without limitation,~~ a
7 proceeding upon a claim of refund of all or any part of any payment made with
8 respect to the tax liability, or a proceeding for the enforcement or collection of
9 all or any part of the tax liability.

10 * * *

11 Sec. 140. 32 V.S.A. § 5895 is amended to read:

12 § 5895. TAX LIABILITY AS PROPERTY LIEN

13 (a)(1) If any corporation, partnership, individual, trust, or estate required to
14 pay or remit any tax liability under this chapter neglects or refuses to pay it in
15 accordance with this chapter after notification or assessment thereof under
16 ~~section 5881~~ sections 3202 and 3203 of this title, the aggregate amount of the
17 tax liability then due and owing, together with any costs that may accrue in
18 addition thereto, shall be a lien in favor of this State upon all property and
19 rights to property, whether real or personal, belonging to the corporation,
20 partnership, individual, trust, or estate.

21 (2) The lien shall arise at the time the notification or assessment is made

1 by the Commissioner and shall continue until the aggregate tax liability with
2 costs is satisfied in full or becomes unenforceable by reason of lapse of time.
3 The lien shall be valid as against any subsequent mortgagee, pledgee,
4 purchaser, or judgment creditor when notice of the lien and the sum due has
5 been filed by the Commissioner with the clerk of the town or city in which the
6 property subject to lien is situated, or, in the case of an unorganized town,
7 gore, or grant, in the office of the clerk of the county wherein the property is
8 situated.

9 (3) In the case of a motor vehicle, the lien shall also be valid when a
10 notation of the lien is made on the certificate of title and shall only be valid as
11 against any subsequent mortgagee, pledgee, bona fide purchaser, or judgment
12 creditor when such notation is made.

13 (4) In the case of any prior mortgage on any real or personal property so
14 written as to secure a present debt and also future advances by the mortgagee
15 to the mortgagor, the lien ~~herein provided~~ established pursuant to this section,
16 when notice thereof has been filed in the proper clerk's office, shall be subject
17 to the prior mortgage unless the Commissioner also notifies the mortgagee of
18 the recording of the lien in writing, in which case any indebtedness thereafter
19 created from the mortgagor to the mortgagee shall be junior to the lien ~~herein~~
20 ~~provided for~~ established pursuant to this section.

21 * * *

Sec. 140a. 32 V.S.A. § 9771 is amended to read:

§ 9771. IMPOSITION OF SALES TAX

** * **

(4) admission to places of ~~amusement~~ entertainment, including athletic events, exhibitions, dramatic and musical performances, motion pictures, golf courses and ski areas, and access to cable television systems or other audio or video programming systems that operate by wire, coaxial cable, lightwave, microwave, satellite transmission, or by other similar means, and access to any game or gaming or amusement machine, apparatus or device, excluding video game, pinball, musical, vocal, or visual entertainment machines which are operated by coin, token, or bills;

** * **

Sec. 140b. 32 V.S.A. § 9813 is amended to read:

§ 9813. PRESUMPTIONS AND BURDEN OF PROOF

(a) For the purpose of the proper administration of this chapter and to prevent evasion of the tax hereby imposed, it shall be presumed that all receipts for property or services of any type mentioned in ~~subdivisions 9771(1), (2), and (3) of this title, and all amusement charges of any type mentioned in subdivision 9771(4)~~ section 9771 of this title, are subject to tax until the contrary is established, and the burden of proving that any receipt or amusement charge is not taxable hereunder shall be upon the person required to collect tax.

* * *

1 Sec. 141. INTERPRETATION

2 It is the intent of the General Assembly that the technical amendments in
3 this act shall not supersede substantive changes contained in other acts passed
4 by the General Assembly. Where possible, the amendments in this act shall be
5 interpreted to be supplemental to other amendments to the same sections of
6 statute; to the extent the provisions conflict, the substantive changes in other
7 acts shall take precedence over the technical changes in this act.

8 Sec. 142. REPEALS

9 The following are repealed:

- 10 (1) 3 V.S.A. § 117(i) (delivery of printed volumes).
11 (2) 21 V.S.A. § 520 (transitory provisions; therapeutic drug regulation).
12 (3) 21 V.S.A. § 1153(c) (Food Production Consortium progress reports).

13 Sec. 143. EFFECTIVE DATE

14 This act shall take effect on July 1, 2017.